CITY OF ARMADALE

AGENDA

OF **DEVELOPMENT SERVICES COMMITTEE** TO BE HELD IN THE **COMMITTEE ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **TUESDAY, 18 NOVEMBER 2014 AT 7:00 PM.**

A meal will be served at 6:15 p.m.

PRESENT:

APOLOGIES:

OBSERVERS:

IN ATTENDANCE:

PUBLIC:

*"For details of Councillor Membership on this Committee, please refer to the City's website – **www.armadale.wa.gov.au/your council/councillors**."*

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read.

DECLARATION OF MEMBERS' INTERESTS

QUESTION TIME

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 21 October 2014 be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 20 / 2014

- **Outstanding Matters & Information Items**
  Report on Outstanding Matters - Development Services Committee
  Review before the State Administrative Tribunal (SAT)
- **Health**
  Health Services Manager's Report - October 2014
- **Planning**
  Planning Applications Report - October 2014
  Town Planning Scheme No.4 - Amendment Action Table
  Subdivision Applications - WAPC Approvals/Refusals - October 2014
  Subdivision Applications - Report on Lots Registered for 2013/2014
  PAW Closure Report - Significant Actions during October 2014
  Compliance Officer's Report - October 2014
- **Building**
  Building Services Manager's Report - October 2014
  Building/Health Compliance Report - October 2014
  Building Applications Monthly Statistics - October 2014

If any of the items listed above require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.

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DEVELOPMENT SERVICES COMMITTEE

18 NOVEMBER 2014

1. DEVELOPMENT

1.1 APPLICATION FOR REVIEW TO STATE ADMINISTRATIVE TRIBUNAL WITH REGARD TO CONDITIONS OF APPROVAL IMPOSED ON DEVELOPMENT APPROVAL FOR EXPANSION OF EXTRACTIVE INDUSTRY (GRAVEL QUARRY) AT LOT 9 BROOKTON HIGHWAY KARRAGULLEN 4

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LOCATION PLAN
Lot 9 Brookton Hwy, Karragullen
100 0 100 200m
SCALE 1 : 10000
CITY OF Armadale
DATE: 9 June 2014 - REVISION 1401

1.1 - APPLICATION FOR REVIEW TO STATE ADMINISTRATIVE TRIBUNAL WITH REGARD TO CONDITIONS OF APPROVAL IMPOSED ON DEVELOPMENT APPROVAL FOR EXPANSION OF EXTRACTIVE INDUSTRY (GRAVEL QUARRY) AT LOT 9 BROOKTON HIGHWAY KARRAGULLEN

WARD	:	JARRAH
FILE No.	:	M/817/14
APPLN NO.	:	10.2013.355.1
DATE	:	10 November 2014
REF	:	MK
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	Harley Dykstra
LANDOWNER	:	M, L and M Vinci and Vinci and Sons
SUBJECT LAND	:	Property size 48.2357 ha
ZONING		
MRS /	:	Rural
TPS No.4	:	General Rural

In Brief:

- At their meeting held on 28/07/2014 Council resolved to approve the Development Application for the proposed expansion of the above quarry subject to conditions.
- On 26/08/2014 the applicant lodged an application for review with the State Administrative Tribunal with regard to Conditions 4, 10, 11 and 12 and the approved site plan.
- The City has now considered the application for review and has been involved with mediation between the City and the Applicant with regard to the modifications requested.
- Recommend that the Council approve the requested modifications to the conditions and approved site plan (subject to minor variations recommended by the City).

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Nil

Legislation Implications

State Administrative Tribunal Act 2004
State Administrative Tribunal Regulations 2004
State Administrative Tribunal Rules 2004
Planning and Development Act 2005
Town Planning Scheme (TPS) No.4
Local Planning Strategy 2003
Metropolitan Region Scheme

Council Policy/Local Law Implications

Extractive Industries Local Law

Budget/Financial Implications

Nil

Consultation

Internal only

BACKGROUND

At their meeting held on 22 July 2014 the Council resolved to approve a Development Application for expansion of the existing Gravel Quarry on the above property subject to a number of conditions.

If an applicant is aggrieved by any condition imposed in a Planning Approval they have 28 days from the date of the Council's decision to apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the Planning and Development Act 2005 against the imposition of those conditions.

On 26 August 2014 the applicant lodged an application for review with the State Administrative Tribunal with regard to Conditions 4, 10, 11 and 12 of the Council's Planning Approval and objecting to the particular site plan approved by the Council. The grounds of appeal were as follows:

1. *The acoustic report that was prepared in support of the Development Application states that the operation of the rock breaking machine should occur, wherever possible, behind a 4m high earthen bund and as a precautionary and additional measure, despite the fact that the report indicates that such an activity will comply with the relevant regulations without the construction of an earthen bund. Condition 4 indicates that this bund will need to be constructed in all instances, not: only wherever possible, and should therefore, be redefined or removed entirely given that if such a bund is not required in order for compliance with the regulations to be achieved.*

2. *Conditions 10 and 11 of the approval both deal with fencing requirements associated with the perimeter of the extraction area and with other vegetation areas on the site. The fencing requirements could potentially be quite extensive, and given that there is no stock on the property that needs to be restrained at all, it is contended that the clear demarcation of work area boundaries for the extractive industry machinery can be achieved in other ways that are equally effective but that do not involve extensive internal fencing.*

3. *Condition 12 should be amended to permit operations between the hours of 6.00am and 7.00pm that comply with the requirements of the Environmental Protection (Noise) Regulations 1997. This is because it is imperative that the pit operators can access the site prior to 7.00am to ensure that the gravel can be transported to the customers in an efficient and timely manner. It should be noted that the Noise Regulations only permit noise above a certain level prior to 7.00am and therefore, amending the condition to reflect this will ensure community amenity is maintained whilst allowing the operators to commence operations prior to 7.00am provided that they are compliant with these regulations. This is opposed to the existing condition which states that no vehicle movement can occur at the site whatsoever outside of the hours of 7.00am and 7.00pm.*

4. *The Development Site Plan lodged with the City in July 2013 had a number of presumptions on it that the City requested to be corrected, namely:*

    i) Respect for previous boundary setbacks to extractive industry activity;
    ii) Illustrating the entire site on the DSP;
    iii) Including the machinery storage compound on the plan; and
    iv) Illustrating intended future longer term extraction areas on the site plan.

The City also requested a number of additional reports and management plans including a Noise Assessment, Dust Management Plan and Revegetation Plan (refer to attached letter). In order to prepare these documents the Applicant first prepared a new Development Site Plan in accordance with the City's request. Subsequently the reports and management plans were based on the updated Development Site Plan. Despite the lodgement of this updated Development Site Plan with the City on the 10th February, 2014, and lodgement of the associated reports and management plans, the City issued an approval for the originally submitted Development Site Plan. This original plan should have been labelled defunct and superseded as a consequent of submitting the updated Development Site Plan. The plan considered by the Applicant to be the "correct plan" reflects the excavation area that the Applicant requires for their ongoing operation.

With regard to Grounds 3 above it is important to note that the applicant did not provide an acoustic assessment that covered the period of operation prior to 7.00am. It was only appropriate for the Council to approve the operating hours covered by the acoustic assessment lodged with the application (7.00am to 7.00pm).

With regard to grounds 4 above it should be noted that the City did not ask the applicant to provide a site plan that showed proposed future extraction areas in addition to the area approval was being sought for under the current application. The City requested the site plan be corrected only to show current approved extraction areas and the proposed extraction area the subject of this application. The second plan lodged by the applicants was so different to the plan lodged with the application that it would have been necessary to restart the advertising and referral procedures for the application in order for the Council to consider approving that plan.

A Mediation between the relevant parties to the Appeal was held at the State Administrative Tribunal (SAT) on 23 September 2014. As a result of that mediation process the following orders were issued by SAT:

1. *The applicant is to provide further submissions to the respondent by 17 October 2014 in response to Conditions 4, 10, 11 and 12 of the development application approval dated 29 July 2014, and a proposal for an amended site plan.*

2. *The respondent is to consider the applicants' submission and provide advice to the applicant by 31 October 2014.*

COMMENT

In response to the first order made by SAT on 23 September 2014 the applicant provided the following additional information to the City:

Modifications requested by Applicant

Condition 4 of Planning Approval*: Construction and maintenance of a 4m high earthen bund on the west side of the operational area of the quarry in accordance with the recommendation of the Noise Impact Assessment prepared by Lloyd George Acoustics for the quarry. Stockpiled material can be used to form the bund(s) required.*

Applicant's Response: The Acoustic Consultant has clarified his statement in the provided report to indicate that the construction of a bund was not a requirement needed in order to ensure compliance with the Noise Regulations. The suggestion of an earthen bund was simply an acknowledgement that these bunds will further reduce noise amenity impact and that it would be good practice to operate behind a bund wherever practical. The revised report, dated 13th October, 2014, has been attached and the relevant revised section is in the final paragraph of section 5 of the report.

On this basis the Applicant requests Condition 4 be deleted and an advice note be added that encourages extraction of raw material to occur behind stockpiled material.

Condition 10 of Planning Approval*: The landowner is to maintain a fenced and vegetated 10m northern buffer and a 100m western buffer (exclusive of firebreaks) between the top of all quarry pits and the property boundary to the satisfaction of the Executive Director Technical Services. Screening vegetation is to be established within the buffer (in a scattered configuration) at the standard density of tree rows 5m apart, one tree per 10m and shrub rows 5m apart, one shrub per 2m. Screening vegetation is to be native and dieback resistant.*

Condition 11 of Planning Approval*: The vegetation buffer areas required by Condition 10 above and areas of indigenous vegetation outside of the area approved for excavation and associated activities (Access, storage, stockpiling, truck parking etc.) the land shall be fenced utilising post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery or any other materials that could damage the vegetation.*

Applicant's Response: The requirement for the fencing of the vegetated buffer and the remainder of the native vegetation at the site should be removed from both conditions and replaced with the requirement for the landowner to clearly mark the vegetated buffers and areas of native vegetation. The Applicant requests that Conditions 10 and 11 be amended as follows:

Proposed Condition 10: *The landowner is to maintain a clearly marked vegetated 10m northern buffer and a 100m western buffer (exclusive of firebreaks) between the top of all quarry pits and the property boundary to the satisfaction of the Executive Director Technical Services. Screening vegetation is to be established within the buffer (in a scattered configuration) at the standard density of - tree rows, 5m apart, one tree per 10m and shrub rows 5m apart, one shrub per 2m. Screening vegetation is to be native and dieback resistant.*

Proposed Condition 11: *The vegetation buffer areas required by Condition 10, above, and areas of indigenous vegetation outside of the area approved for excavation and associated activities (Access, storage, stockpiling, truck parking etc.) shall be clearly marked utilising markers such as; star pickets with bright coloured capping at an average interval of one per 6m.*

Condition 12 of Planning Approval: *Operating hours are restricted to 7.00am to 7.00pm Monday to Friday. Operations include, but are not limited to, the movement of all vehicles (including but not limited to bulldozers, front end loaders, water trucks, gravel trucks and fuels trucks) involved in the extractive industry. This includes external contractor's vehicles.*

Applicant's Response: An additional acoustic model and report (based upon on-site testing carried out during the SAT mediation process) has been prepared by Lloyd George Acoustics that indicates how the proposed operations that are to occur prior to 7am comply with the noise regulations.

The Applicant requests that Condition 12 be amended to read as follows:

Proposed Condition 12: *Operating hours are restricted to 6.00am to 7.00pm Monday to Friday. Operations permissible prior to 7.00am are limited to the loading of no more than five trucks which can also traverse in and out of premises prior to this time, in accordance with the supplementary acoustic report dated 9th October 2014. This includes the operation of front end loaders, used inside the quarry pit to load gravel into the trucks. Operations prohibited prior to 7.00am include, but are not limited to the operation of bulldozers, water trucks, fuel trucks and rock breaking machines involved in the extraction of raw material from the landscape.*

Approved Plan: The Applicant is of the opinion that the plan approved by the Council does not provide for the necessary extraction area to allow operation of the quarry for an acceptable time period. A revised development site plan has been lodged which:

i) Equates to the same land footprint for extraction as what was shown on the approved plan; and
ii) Provides land owners with the ability to extract material for a more appropriate period of time (eg it covers area that have a deeper supply of material for extraction).

ANALYSIS

Without prejudice the City provided the following response to the additional information provided by the Applicant, in accordance with Order 2 of SAT issued on 23 September 2014:

Condition 4 – Original Acoustic Impact Assessment modified by Acoustic Consultant as follows:

Original Acoustic Assessment - "*While operations are predicted to comply with assigned levels, ongoing control measures should be continued. Noise Control in the form of earth bunds is recommended where possible in the direction of the residences generally to the west*".

Amended Acoustic Assessment - "*While operations are predicted to comply with assigned levels without further noise mitigation, ongoing control measures to reduce noise impacts to nearby residences should be continued. These control measures include, where possible, working behind earth bunds to shield residents to the west and south"*.

Whilst the wording change between the original and amended Acoustic Assessments essentially does not alter the intent, it is noted that the Acoustic Consultant continues to advise that the operation of the quarry (between 7.00am and 7.00pm) will not exceed noise allowances under the *Environmental Protection (Noise) Regulations 1997*. Therefore Condition 4 is not required.

Recommendation: That Council resolves to delete Condition 4.

Conditions 10 and 11 – Request by Applicant to modify the wording of these two conditions to delete the requirement for barrier fencing and replace it with star pickets and bright coloured tape that delineate the areas to be protected. The rewording of these conditions has been negotiated through the SAT mediation processes.

The intent of the requirement to fence the revegetation and remnant vegetation areas is to prevent accidental or deliberate intrusion into those areas by vehicles or machinery. It is considered that the proposal to have star pickets topped with bright coloured tape flags, spaced at intervals of 6 metres will provide sufficient visual warning to workers on the site of the whereabouts of areas prohibited to vehicles/machinery.

Recommendation: That Council resolves to amend the wording of Condition 10 as proposed by the Applicant to read:

10. The landowner is to maintain a clearly marked vegetated 10m northern buffer and a 100m western buffer (exclusive of firebreaks) between the top of all quarry pits and the property boundary to the satisfaction of the Executive Director Technical Services. Screening vegetation is to be established within the buffer (in a scattered configuration) at the standard density of - tree rows, 5m apart, one tree per 10m and shrub rows 5m apart, one shrub per 2m. Screening vegetation is to be native and dieback resistant.

Recommendation: That Council resolves to amend the wording of Condition 11 as proposed by the Applicant but with the addition of the wording "… *to prevent encroachment by machinery or any other materials that could damage the vegetation*" to read:

11. The vegetation buffer areas required by Condition 10, above, and areas of indigenous vegetation outside of the area approved for excavation and associated activities (Access, storage, stockpiling, truck parking etc.) shall be clearly marked utilising markers such as; star pickets with bright coloured capping at an average interval of one per 6m to prevent encroachment by machinery or any other materials that could damage the vegetation.

Condition 12 – Hours of Operation – request for condition to be modified to allow truck movements and loading of trucks between 6.00am to 7.00am based on supplementary Acoustic Assessment of Loading operations. It is noted that no acoustic information for this period was submitted as part of the original application.

The City accepts that the supplementary Acoustic Assessment carried out to measure operational noise between 6.00am to 7.00am demonstrates that loading operations will comply with noise allowance under the Environmental Protection (Noise) Regulations 1986 during that time period

Recommendation – That Council resolves to amend Condition 12 to allow the quarry to operate from 6.00am to 7.00pm.

Amended Plan – The amended site plan lodged with the City by the Applicant identifies a proposed extraction area that is almost identical in area to that approved by the Council on 29/07/2014 but the shape has altered slightly to cover an operational area that has a much deeper extraction area. Therefore, the Applicant would be able to work the area for a much longer period of time would have been possible under the Council approval (which is time limited to a 5 year period). It should be noted that the original and subsequent plans lodged by the applicant prior to the latest plan all showed different proposed extraction areas. As such it appears that rather than Council approving the incorrect plan, the quality of the plans and the extraction areas needed to be clarified.

Recommendation – That the Council approves the Site Plan dated 07/11/2014 in place of the plan previously approved on 29/7/2014.

OPTIONS

The advice provided to SAT and the Applicant by City Officers as per the SAT Order dated 23 September 2014 was provided as part of the Mediation processes. SAT and the Applicant were advised that the City's advice should not be construed as Council's advice or decision, as the additional information had not yet been considered by Council and the Council may vary this advice/or decision.

The Council may:

1. Approve the modifications requested by the Applicant to the conditions of Planning Approval imposed by the Council and the Site Plan approved by the Council on 29 July 2014.

2. Resolve that the Council does not approve all or part of the modifications to the conditions of Planning Approval and the approved plan requested by the Applicant and advise the Applicant and SAT accordingly.

If Option 1 above is chosen then once the Council's decision is issued to the Applicant in writing the Applicant may withdraw the Application for Review to SAT and the matter will be complete and no further action will be required.

If Option 2 is chosen then the matter will be referred back to Mediation at SAT on 5 December 2014 and a hearing date is likely to be scheduled.

CONCLUSION

The Applicant has demonstrated that modification of Conditions 10, 11 and 12, deletion of Condition 4 and approval of an amended site plan will still achieve the outcomes desired by the Council in relation to the original conditions and approved plan. These preferred outcomes include protection of the amenity of adjacent residential properties (related to noise, dust, appearance and hours of operation etc.), restoration of the visual amenity and biodiversity of the site through reinstatement of vegetation in former extraction areas and compliance with previous approved boundaries for extraction areas. Accordingly, it is recommended that the Council resolve to amend/delete the conditions identified and to adopt the modified site plan dated 7/11/2014.

RECOMMEND

That Council:

A) Approves the amended Site Plan dated 7/11/2014 for expansion of the existing Extractive Industry on Lot 9 Brookton Highway, Karragullen.

B) Modifies or deletes Conditions 4, 10, 11 and 12 of the Planning Approval issued by the City on 29/07/2014 as follows:

i) delete Condition 4;

ii) Modify Condition 10 to read:

10. The landowner is to maintain a clearly marked vegetated 10m northern buffer and a 100m western buffer (exclusive of firebreaks) between the top of all quarry pits and the property boundary to the satisfaction of the Executive Director Technical Services. Screening vegetation is to be established within the buffer (in a scattered configuration) at the standard density of - tree rows, 5m apart, one tree per 10m and shrub rows 5m apart, one shrub per 2m. Screening vegetation is to be native and dieback resistant.

iii) Modify Condition 11 to read:

11. The vegetation buffer areas required by Condition 10, above, and areas of indigenous vegetation outside of the area approved for excavation and associated activities (Access, storage, stockpiling, truck parking etc.) shall be clearly marked utilising markers such as; star pickets with bright coloured capping at an average interval of one per 6m to prevent encroachment by machinery or any other materials that could damage the vegetation.

iv) Modify Condition 12 to read:

12. Operating hours are restricted to 6.00am to 7.00pm Monday to Friday. Operations permissible prior to 7.00am are limited to the loading of no more than five trucks which can also traverse in and out of premises prior to this time, in accordance with the supplementary acoustic report dated 9th October 2014. This includes the operation of front end loaders, used inside the quarry pit to load gravel into the trucks. Operations prohibited prior to 7.00am include, but are not limited to the operation of bulldozers, water trucks, fuel trucks and rock breaking machines involved in the extraction of raw material from the landscape.

C) Advises the applicant and the State Administrative Tribunal of the Council's decision in this regard.

ATTACHMENTS

1. Site Plan - Lot 9 Brookton Hwy, Karragullen
2. Site Plan - Aerial - Lot 9 Brookton Hwy, Karragullen
3. Previously Approved Site & Management Plan - Lot 9 Brookton Hwy, Karragullen

2.1 - REVIEW OF LOCAL PLANNING POLICY PLN 4.2 - ADVERTISEMENTS (SIGNAGE)

WARD : ALL

FILE No. : - M/734/14

DATE : 12 November 2014

REF : MC

RESPONSIBLE MANAGER : EDDS

In Brief:

- In October 2014 as a result of a Councillor item (D56/10/14), Council requested a review of Policy PLN 4.2 to consider an increase to the display period of tethered signs.
- Recommend that Council amend Local Planning Policy PLN 4.2 and advertise the draft revised Local Planning Policy for a period of 21 days.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
2.1.1 Review, update and implement the City's Town Planning Scheme, taking into account the Local Biodiversity Strategy and other environmental considerations.

Legislation Implications

Planning and Development Act 2005
Town Planning Scheme No.4

Council Policy/Local Law Implications

PLN 4.2 – Advertisements (Signage)

Budget/Financial Implications

Advertising costs can be accommodated in Planning Services budget.

Consultation

21 day advertising period required.

BACKGROUND

In October 2014 as a result of a Councillor item (D56/10/14), Council requested a review of Policy PLN 4.2 to consider an increase to the display period of tethered signs be referred to the appropriate Directorate for action and/or report back to Committee.

Policy PLN 4.2 was last reviewed in September 2012 (D66/9/12) as part of repealing the Local Law relating to Signs, Hoardings and Billposting and reviewed again and adopted by Council in November 2012 (D89/11/12). Changes made to the policy were quite considerable to make the policy easier for applicants to understand and to improve the City's administrative and assessment processes.

DETAILS OF PROPOSAL

It is proposed to amend Local Planning Policy PLN 4.2 Advertisements (Signage) to increase the display period of tethered signs (in particular inflatable rooftop balloons) from two (2) to four (4) weeks to be consistent with the minimum hiring period of such devices.

A summary of the proposed policy change is shown below (in italics and strike through):

TABLE 1
SIGNAGE DEFINITIONS AND DISCRETIONARY DEVELOPMENT STANDARDS

SIGN	DEFINITION	DISCRETIONARY DEVELOPMENT STANDARD
TETHERED SIGN	A sign which is suspended from, tethered or tied to any structure including poles or other object (with or without supporting framework). The term includes flags (moveable or permanent) and lighter-than-air and inflatable devices such as balloons and blimps.	• Maximum height: Flags: 900mm Inflatable devices: 7.0 metres • Maximum diameter: Flags: N/A Inflatable devices: 4.0m • Maximum Length: Flags: 1.6m Inflatable devices: If applicable, at the City's discretion. • Minimum height from ground: 2.7 metres • Maximum height from ground: 8.0 metres • Minimum distance from any pylon sign: 10 metres • Shall be located wholly within the boundaries of the subject lot. • Inflatable devices and moveable flags shall only be erected for a *maximum period of ~~2~~ 4 weeks at a time and may only be erected on the property no more than ~~3 times~~ twice in each calendar year.* A minimum of 4 weeks must elapse between displays of an inflatable sign or moveable flags. • A maximum of one inflatable device or two moveable flags may be erected at a property or tenancy for a limited period at any one time for larger showroom and/or retail outlets to promote a special event/sale. • Shall not contain fluorescent, reflective or retro reflective colours. • Where applicable, engineer's certificate is required confirming that the integrity of the roof will not be adversely affected.

A copy of the proposed amended Local Planning Policy is presented in the Attachments to this report.

COMMENT

Following a brief review of PLN 4.2 in particular Table 1 for tethered signs, it is recommended that the display period of inflatable devices and moveable flags be amended to reflect the hiring period of such signs from two (2) weeks to four (4) weeks (in particular the hiring of inflatable rooftop balloons).

The current policy display restriction period of two (2) weeks was imposed in the last review of PLN 4.2 on the basis of concerns from the public and the potential implications of having inflatable devices and moveable flags displayed for any longer period of time due to the material and construction of these signs. It should be noted these particular advertising devices are of a temporary nature and were considered in conjunction with the objectives of the policy.

In considering the proposal to increase the display restriction period, a primary concern would be the potential to see an inflatable device and/or moveable flag displayed for a quarter of the year as the policy currently permits such devices to be displayed three (3) times per year (4 weeks x 3 times per year). This is a lengthy period to display such temporary signage and is considered inappropriate and inconsistent with the intent of the current policy restriction, which is to protect the streetscape and amenity whilst still providing an avenue for local businesses to promote a one-off special event/sale. In order to accommodate the proposed increase to the display restriction period it is considered reasonable to reduce the number of times an inflatable device and/or moveable flag can be displayed from three (3) times to twice per calendar year. This change to the policy will still increase the total number of weeks such a sign can be used from 6 to 8 weeks per year in total.

It should also be noted that Planning Services have been highly successful in keeping the proliferation of unauthorised advertising devices in and around the City to a minimum especially when compared to that of other neighbouring municipalities. The reduction of such clutter is due to regular audits, community awareness and potentially high penalties that can be imposed for unauthorised advertising devices.

ANALYSIS

Procedure for making a Local Planning Policy under Town Planning Scheme No.4

The making of Local Planning Policies is covered by Part 2 of Town Planning Scheme No.4.

Briefly, the procedure involves:

- Once the City resolves to make a planning policy, it must publish a notice of the proposed policy in a newspaper circulating in the Scheme area once a week for two consecutive weeks, with a public submission period being not less than 21 days from the day the notice is published. The City may carry out such other consultation as considered appropriate;

- Review or adopt (with or without modifications) the policy in the light of submissions; and

- If the City resolves to adopt the policy, publishing of a notice in a newspaper circulating in the district and if the policy affects the interests of the Western Australian Planning Commission, forwarding a copy of the Policy to the Commission.

OPTIONS

1. Council could resolve to advertise the amendments to Local Planning Policy PLN 4.2.
2. Council could resolve not to initiate a review Local Planning Policy PLN 4.2 at this time.

CONCLUSION

The purpose and intent of the policy will remain unchanged, albeit with the slight change to the display restriction period for tethered signs (for inflatable devices and moveable flags). The suggested amendment to the policy will satisfy the request to increase the display period to be consistent with the minimum hiring period of such signs.

In this regard, Option 1 is recommended.

RECOMMEND

That Council:

1. Amend Local Planning Policy PLN 4.2 Advertisements (Signage) *as presented in the Attachments to this report,* and to advertise the draft revised Local Planning Policy for a period of 21 days in accordance with Clause 2.4 of Town Planning Scheme No.4.

ATTACHMENTS

1. Proposed Amended Planning Policy PLN 4.2 - Advertisements (Signage)

2.2 - FINAL ADOPTION OF LOCAL PLANNING POLICY PLN 2.1 - ESTABLISHMENT OR AMENDMENT OF DEVELOPMENT ENVELOPE LOCATIONS

WARD : ALL

FILE No. : - M/748/14

DATE : 9 October 2014

REF : GW

RESPONSIBLE MANAGER : EDDS

In Brief:

- In September 2014, Council resolved to amend and advertise Local Planning Policy PLN 2.1 to limit the size of development envelopes based on lot area.
- No submissions were received during the 21 day advertising period.
- Recommend that Council adopt amended Local Planning Policy PLN 2.1 ***as presented in the Attachments to this report***.

Tabled Items
Nil.

Officer Interest Declaration
Nil.

Strategic Implications
2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
2.1.1 Review, update and implement the City's Town Planning Scheme, taking into account the Local Biodiversity Strategy and other environmental considerations.

Legislation Implications
Planning and Development Act 2005
Town Planning Scheme No.4

Council Policy/Local Law Implications
Nil.

Budget/Financial Implications
Advertising costs can be accommodated in the Planning Services budget.

Consultation
Notice of final adoption to be published in newspaper.

BACKGROUND

At its meeting of 22 September 2014, Council resolved to amend Local Planning Policy PLN 2.1 and to advertise the draft Local Planning Policy for a period of 21 days in accordance with Clause 2.4 of Town Planning Scheme No.4.

DETAILS OF PROPOSAL

A summary of the proposed policy changes (as advertised) are as follows:

Existing Policy Clauses	Proposed Changes
1. Introduction	• This section has been streamlined for clarity; • The definition of a "Development Envelope" under TPS No.4 has been added.
3. Policy Objectives	• This section has been reworded to clearly identify the key objectives of the policy; • A new policy objective of limiting the size of development envelopes has been added; • Existing policy objectives 3.1(a)-(f), which are more akin to locational criteria have been incorporated under a new heading *4.1 Location and Design of Development Envelopes.*
4. Policy Statement 4.1 All applications for development envelope establishment or amendment are to include the following:	• Existing policy statement 4.1 has been streamlined for clarity and renumbered under a new heading *4.3 Applications to establishment or amendment a Development Envelope* for ease of reference.
4. Policy Statement 4.2 Applications to establish or amend development envelopes will be assessed with consideration to the following matters:	• Existing policy statement 4.2 has been reworded and divided into two new headings *4.1 Location and Design of Development Envelopes* and *4.2 Size of Development Envelopes* for clarity and ease of reference; • The two proposed new sections (4.1 & 4.2) also relate more logically to the corresponding policy objectives (3(a) and (b)) respectively; • A new section *4.2 Size of Development Envelopes* has been added to prescribe a maximum size of development envelope.

A copy of the amended Policy as advertised is presented in the Attachments to this report.

ANALYSIS

Advertising of Local Planning Policy PLN 2.9

The proposed Local Planning Policy was advertised for 21 days closing on 21 October 2014. Adverting was carried out by way of advertisements in the local newspapers and on the "out for comment" section of the City's website. No submissions were received.

Procedure for making a Local Planning Policy under Town Planning Scheme No.4

The making of Local Planning Policies is covered by Part 2 of Town Planning Scheme No.4. Briefly, the remaining procedure involves:

- Review or adopt (with or without modifications) the policy in the light of submissions; and

- If the City resolves to adopt the policy, publishing of a notice in a newspaper circulating in the district and if the policy affects the interests of the Western Australian Planning Commission (WAPC), forwarding a copy of the Policy to the WAPC.

The proposed policy is not considered to affect the interests of the WAPC in this regard.

OPTIONS

1. Council could resolve to adopt the amended policy without any modifications and publish a notice in the newspaper as required by the procedure for making Local Planning Policies.

2. Council could choose not to adopt the policy.

CONCLUSION

No further changes were required to the proposed amended policy following the advertising period. The proposed revisions aim to streamline the document and better promote the key policy objectives relating to the location, design and limiting the size of development envelopes. It is recommended that Council resolve to adopt the amended Local Planning Policy in accordance with Option 1 above.

RECOMMEND

That Council:

1. Adopt amended Local Planning Policy PLN 2.1 as *presented in the Attachments to this report*.

2. Publish a notice in a newspaper circulating in the district stating the amended Local Planning Policy PLN 2.1 has been adopted.

ATTACHMENTS

1. PLN 2.1 Establishment or Amendment of Development Envelope Locations (Draft Amended Version)

2.3 - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

WARD : ALL

FILE No. : M/744/14

DATE : 7 October 2014

REF : IM

RESPONSIBLE MANAGER : EDDS

In Brief:

- Policy PLN 3.1 has been reviewed and updated in view of the findings of the Local Planning Strategy and the Policy's operation. In addition recent amendments to the town planning scheme relating to multiple dwellings need to be taken into account within the Policy.
- A Councillor Item has also requested the review of Policy PLN 3.1 to take account of the Urban Forest Strategy.
- Recommend that Local Planning Policy 'PLN 3.1 Residential Density Development' be amended ***as presented in the Attachments to this report***, and to advertise the draft revised Local Planning Policy for a period of 21 days in accordance with Clause 2.4 of Town Planning Scheme No.4.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.

2.2.2 Review, update and implement the City's Town Planning Scheme, taking into account social, economic and environmental considerations.

Legislation Implications

Planning and Development Act 2005
Residential Design Codes 2013

Council Policy/Local Law Implications

Town Planning Scheme No.4.
There is no equivalent policy adopted by the Shire of Serpentine-Jarrahdale relating to the design of density development.

Budget/Financial Implications

Nil

Consultation

1. Procedures are set down in the Town Planning Scheme for the preparation and amendment of local planning policies.
2. Technical Services

BACKGROUND

PLN 3.1 has been regularly reviewed in recent years and has been a critical tool for Council to guide the development of density development.

The multi-unit code was released in 2010. This provided greater incentive to develop multiple units based on plot ratio in the hope that this would provide an alternative to the predominant three or four bedroomed single house development being constructed. It became apparent that the City's Scheme had not been adjusted to permit multiple dwellings in a number of coded areas and accordingly Amendment No.72 was initiated to rectify the situation. Amendment 72 to the Town Planning Scheme has recently been gazetted to permit multiple dwellings. This places some urgency on the review of Policy PLN 3.1 to ensure that multiple dwellings are subject to similar design guidelines as are grouped dwellings.

In May 2014 as a result of a Councillor item, Council requested that Policy PLN 2.9 and PLN 3.1 be reviewed in the light of the Urban Forest Strategy and that this be reported to Committee. Officers are separately initiating a review of PLN2.9 Landscaping, however, the review of Policy PLN3.1 Residential Density Development in the light of the Urban Forest Strategy is also the subject of this report.

DETAILS OF PROPOSAL

Policy PLN 3.1 has been reviewed to take account of recent Scheme amendments, the City's draft Local Planning Strategy, matters raised during the operation of the Policy and to reflect other Council initiatives. Specifically the proposed changes to the policy result in:

- The inclusion of multiple dwellings within the definition of Density Development for the purpose of establishing the standards that will be applied to the design of such development and the criteria that will be applied when considering the merit of permitting the higher code in split code areas. This change is consequent upon Amendment No.72 which clarified that the dual code provisions apply to multiple dwellings and therefore require the guidance within the associated local planning policy.

- An additions to the policy to take account of the City's Urban Forest Strategy and tree planting requirements (a Councillor item in May 2014 requested this matter be addressed).

- A number of changes to specific clauses which reflect Council decisions, respond to operational issues with the policy, avoid duplication and correct errors.

A copy of the revised Local Planning Policy (with highlighted changes) is presented in the Attachments to this report.

COMMENT

Local Planning Strategy

The City's draft Local Planning Strategy Housing component identified the need to amend the scheme and Policy PLN 3.1 to reflect the need to accommodate multiple dwellings as a development option. Amendment No.72 has been completed to enable the City to approve the development of multiple dwellings in all codes, however, Policy PLN 3.1 needs to be amended to ensure that the provisions apply to multiple dwellings as well as grouped dwellings.

In addition the Strategy raised the possibility of requiring grouped dwelling sites to have a minimum frontage of 25m (a provision used by the City of Canning to discourage developments with a side accessway with a fence on one side). Recent proposed changes to the R Codes could effectively achieve this. The Department of Planning's proposed amendment (advertised in September 2014) would result in communal streets being a minimum of between 10 and 12 metres which would effectively inhibit the development of narrower lots for group dwelling development.

Urban Forest Strategy

The Urban Forest Strategy (which was adopted by Council on 12th May 2014), "sets up an agreed vision and guiding objectives to provide a framework for future direction and guide implementation" (P 95).

The Strategy draws upon the existing landscape character to define landscape precincts which are intended to be built on. A tree species palette is created for each precinct (Swan Coastal Plain, City, Foothills and the Hills). The Strategy focuses predominantly on planting within public reserves, in particular within road reserves according to their place in the hierarchy.

While the Strategy convincingly argues for the greening of the City as a general principle, it may not provide a specific basis for policy that would apply to Density Development.

The extent to which the Strategy applies to private land is limited, although there may be merit in referring to the Strategy to encourage developers to plant in accordance with the specific precinct in which a particular development is located. The Strategy only makes reference to private lots in the statements made about the Swan Coastal Plain. The following are the Strategy's relevant objectives for the Swan Coastal Plain Precinct:

- *Objective - Influence new and future developments*
  Increase backyard space to allow the creation of a continuous canopy;
- *Objective - Retrofit established suburbs*
  encourage residents to contribute to the urban forest through front yard and back yard tree planting;
- *Objective - Enhance infill development*
  Increase backyard space to allow the creation of a continuous canopy;
- *Objective - Density with backyards*
  Potential to provide backyards whilst maintaining density targets

While it may be desirable to encourage the use of backyards for tree planting and to encourage landowners to create larger backyards, this cannot be a requirement beyond what is prescribed in the Residential Design Codes. Moreover, it is not possible to require the provision of backyards of a greater size than that prescribed while maintaining density targets.

The current policy currently requires:

- the preserving of existing trees on-site wherever possible (4.3.5.6);
- in the case of sites including six or more units, planting of, or retention of, individual mature native trees at strategic locations on common property (4.3.5.7) (4.3.5.9);
- the provision of a verge tree for each unit adjacent to a public street, unless verge trees already exist and are considered adequate (4.3.5.8);

In view of the existing requirements listed above which address the planting of trees it may be appropriate to encourage developers to use the Urban Forest Strategy in their selection of trees by the use of the tree palette for the precinct within which a development is located. The proposed sub-clause under 4.3.5.3 is intended to achieve this by requiring that a landscape plan demonstrates:

"That it has taken account of the City's Urban Forest Strategy and the relevant tree palette within which the development proposal is located in guiding tree selection."

Other proposed amendments to the Policy

The Review of the policy has identified some changes that are proposed to address issues raised in recent applications, including the following:

- The provision of an additional clause 4.1.6 to establish that with respect to multiple dwellings the plot ratio limits indicated in the Residential Design Codes should not be exceeded. This is required in view of the lack of certainty in the wording of the R Codes on this matter.

- The provision of an additional clause 4.2.2 to more directly amplify each of the criteria set out in Scheme Clause 5.3.4(b) as recently subject to Amendment No.72.

- The deletion of clause 4.3.1.3 relating to the control of reflective materials. A similar clause was deleted from the Town Planning Scheme due to the practical difficulties with its implementation.

- The deletion of a sub-clause under 4.3.2 (Streetscape) which required the treatment of blank walls and fences with anti-graffiti finishes. Council has recently held the view that this is not necessarily a desirable action.

- The deletion of clause 4.3.4.4 which was designed to provide a consistency of design between new development and existing development. This is considered to not necessarily result in an optimum design outcome particularly where the existing dwelling is of little merit. It is preferable that these matters be considered on the merits of each case.

- Tree planting under clause 4.3.5.9 (now clause 4.3.5.8) requires that for sites of over six units it is necessary to plant one low maintenance tree for every six units within the common property. It has been suggested that the emphasis should be on providing a larger tree on an area basis – for instance for every 800m^2. Technical Services comments are that it would be appropriate to specify a 45 litre container size tree and make provision for circumstances where it is not possible to locate a significant tree on-site by planting a tree in the locality. It is considered more practical to link the requirement to the number of units rather than lot size.

- There may be a need to revise clause 4.4.2 to set out the circumstances whereby the City may agree to the collection of a lesser number of bins where units are likely to have a low occupancy and generate less waste. Technical Services are currently working on these arrangements which will be submitted for Council's consideration in due course.

- The provision of a new short Section 6 including words requiring definition.

Editorial changes

The policy review has identified the following minor proposed amendments:

- The combining of clauses 4.3.1.6 and 4.3.1.9 (now 4.3.1.5) relating to the provision of eves into one clause.
- Clause 4.3.4.6 has been removed as it duplicates clause 4.3.1.5 (now 4.3.5.8) with respect to surveillance from rear property.
- Clause 4.3.5.7 has been removed as it duplicates 4.3.5.9 (now 4.3.5.8) with respect to planting and retaining trees.
- Amend clause 4.3.6.3 (now 4.4.6.3) to delete "acoustic" as landscaping does not provide an acoustic barrier.
- The substitution of "development approval" for "planning approval" in clause 4.5 (now 4.1.7).
- The deletion of clause 4.6 which allowed boundary walls in R17.5 areas. This clause has previously been transferred to Policy PLN 3.10 Residential Design Codes Variations.
- The deletion of section 4.7 Outline Development Concept Plans. This section has been superseded by the relevant sections of the Scheme relating to structure planning – notably Part 6A and Schedule 12. It is considered that the provisions of the policy do not provide any guidance not more fully set out within clauses 6A1 - 6A8 of the Scheme.
- The deletion of section 5 – Procedural Requirements and Delegation. It is considered that this section is redundant and is covered by the City's general procedures and delegations.

OPTIONS

Council could:

1. Resolve to advertise the amendments for Local Planning Policy PLN 3.1.
2. Resolve to not initiate the amendment of Local Planning Policy PLN 3.1.

CONCLUSION

Local Planning Policy PLN 3.1 has been reviewed to reflect recent changes to the Town Planning Scheme, to take account of councillor concerns regarding the provision of trees and to update and correct provisions. It is proposed that the changes be advertised for public comment.

RECOMMEND

That Council:

Amend Local Planning Policy 'PLN3.1 Residential Density Development' ***as presented in the Attachments to this report,*** **and advertise the draft revised Local Planning Policy for a period of 21 days in accordance with Clause 2.4 of Town Planning Scheme No.4.**

ATTACHMENTS

1. Copy of Planning Policy PLN 3.1 - Residential Density Development

3.1 - UDIA NATIONAL CONGRESS 2015 - 17 TO 19 MARCH 2015

WARD : ALL

FILE No. : M/678/14

DATE : 11 November 2014

REF : SS

RESPONSIBLE MANAGER : EDDS

In Brief:

- The UDIA National Congress will be held in Sydney, NSW from 17 to 19 March 2015.
- Matters to be covered should be of relevance to Armadale.
- Recommend that consideration be given to nominating a Councillor to attend.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Relates to the aim for good governance and leadership to:

4.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.

Legislation Implications

Nil.

Council Policy/Local Law Implications

Council Policy ADM3 – Conferences and Training.
Council Policy EM1 – Reimbursement Councillor's Expenses.

Budget/Financial Implications

The UDIA National Congress is on the Approved Conference List for both Officers and Elected Members. Officer attendance will be funded from the Planning Service's Conference and Meeting budget. Sufficient funds are available in the Councillor/Member Development Budget should a Councillor be nominated to attend.

Conference Costs (including registration, travel and accommodation) is approximately $5,800 per delegate.

BACKGROUND

The Urban Development Institute of Australia (UDIA) is conducting its 2015 National Congress at The Westin in Sydney.

A copy of the Conference Brochure is presented in the Attachments to this report.

The UDIA National Congress typically host a number of topics which are potentially applicable to the City and may provide valuable insight and information in a number of areas that impact the City.

DETAILS OF CONFERENCE

The Congress is themed "The Next Factor", International Keynote Speakers are:

- Vivek Wadhwa, Vice President of Academics and Innovation at Singularity University Silicon Valley – who will shine a torch on a world of possibilities in the use of technology in property and will highlight what lies ahead for those that are prepared to innovate and make a change.

- Robert Hammond, Co-Founder and Executive Director, Friends of the High Line, New York - will talk about the conception of the New York Highline Parkland – the role of the community as proponents of the project and the benefits that transformational infrastructure and open space has had on the world's most famous city – New York.

The sessions cover topics including:

The Next Factor in Property - This panel will discuss major innovations that will hit the property sector in Australia and globally. The innovations may cover technology, finance, building technologies and infrastructure.

Planning Australian Cities of the Future - This panel session will discuss the future of Australian Cities. It will consider whether we can realistically expect the majority of Australian's to live in apartments or whether there needs to be a balance. If so, what impact will that have on city planning across Australia?

Think Big, Act Bold - This panel session will look at major projects internationally and reflect on what that means for major projects in Australia such as Sydney's incoming second airport at Badgerys Creek. It will discuss development issues, public-private-partnerships, infrastructure, employment lands and international best-practice.

Master planning Cities of the Future -This panel will consider the future of master planned communities in Australia. There are successful examples, but with land values on the fringe being so high are master planned communities being forced out of major urban corridors? This session will explore discuss how these master planned communities fit into cities and the role they will play in the future.

Repositioning Cities - There will be different demands on cities of the future. How do we manage the growth of our cities and position them to be the beneficiaries of improved infrastructure, amenity and commerce?

Delivering World-Class Development - Australia is a world leader in development quality. How do we maintain our position as a leader and what are the global trends influencing building design and development?

How Will Technology Impact on Housing of the Future? - Tri-generation, solar power, off-grid housing, private water provision and improved connectivity. What the obstacles to adopting these technologies and can we improve the take up in Australia?

It should be noted that the Development Services Meeting is on 17 March 2015, when the conference is being held. It is potentially beneficial for an Elected Member to attend the UDIA National Congress, given a number of topics may be applicable to the City and offer insight into matters that are impacting the City.

CONCLUSION

An Officer may be attending the UDIA National Congress. The matter is brought to the attention of Council to determine if it wishes to nominate a Councillor to attend.

RECOMMEND

That Council:

1. **Nominates Cr _____ to attend the UDIA National Congress.**

   or

2. **If there is no nomination at the Development Services Committee or the Ordinary Meeting of Council on 24 November 2014, then the recommendation be as follows:**

   That no nomination be made for an Elected Member to attend the UDIA National Congress.

ATTACHMENTS

1. UDIA Congress 2015 Program

3.2 - COUNCILLOR ITEM- ADVERTISING OF BUILDING & PLANNING APPLICATIONS FOR RESIDENTIAL DESIGN CODES VARIATIONS

At the Council meeting held 14th July 2014 Cr Shaw referred the following matter to the Development Services Committee.

That the matter of Advertising of Building and Planning Applications be referred to the Development Services Committee (D39/7/14)

Comment from Cr Shaw

Cr Shaw has advised of the following concerns:

When the City receives an application that does not comply with the 'deemed to comply' requirements of the R-Codes, the proposal is advertised to adjoining neighbours. The current process should be reviewed in the light of:

- *Insufficient explanation as to what the R-Code variation being sought is and what the relevant acceptable criteria is, is provided in the letter;*
- *Lack of plans showing what/where the variations are is provided, only a location plan of the subject site;*
- *Limitation of access to plans to physical inspection (rather than emailing) during work hours (which is unreasonable as most people work);*
- *Concern that comments should be sought from occupiers as well as owners; and*
- *Need to communicate final decision to those making submissions.*

Suggested changed procedures could include:

- *Planning/building application forms to provide a checkbox for applicants to sign, permitting the use of the plans submitted for advertising purposes;*
- *The R-Code variation and acceptable criteria to be clearly explained in the letter;*
- *A full set of the plans with any variations highlighted to be sent with all advertising letters;*
- *Owners and occupiers to be consulted during the advertising period; and*
- *Those making submissions to be advised of the outcome after a decision on the variation is made.*

Officer Comment

Council at its meeting of 14 June 2005 (D90/6/05) previously considered and noted a report on the City's consultation procedures relating to development applications. ***A copy of the report is presented in the Attachments to this report.***

Council at its meeting of 26 August 2013 (D56/8/13) also considered and noted a report on the City's position with respect to the dissemination of plans and supporting information to residents, and the current procedures/practices followed when a development application is advertised for public comment. ***A copy of the report is presented in the Attachments to this report.***

This report primarily focuses on the City's position with respect to applications which propose variations to the Residential Design Codes of Western Australia (R Codes).

Proposals to vary a "Deemed-to-comply' provision of the R Codes are dealt with either via a 'Planning' application, where grouped/multiple dwellings are involved or a 'Residential Design Code Variation' application (RDCV), where single dwelling (or incidental structure) is involved. RDCV applications are processed by the City's Building Services department concurrently with Building Permit applications for single dwellings or associated incidental structure (such as a patio).

In response to the concerns raised with respect to how such applications are processed, the City has reviewed its current practices and has taken appropriate steps to improve its processes as follows:

Letters to Submittees

The City's current procedure for all planning applications is to inform persons who made a submission (submittees) on a proposal of the final outcome in writing. While this procedure has been consistently applied for normal planning applications due to an oversight it has not been applied to RDCV applications. The City will rectified this anomaly in its administrative procedures to ensure submittees are advised of the outcome of RDCV applications (in writing via email or letter) accordingly.

Advertising letters to affected landowners/occupiers

It should be noted that the City has historically only notified affected landowners of such proposals and not occupiers for the following reasons:

- The City does not record or maintain contact/address details of occupiers given the transient nature of tenants;
- There is an implied responsibility placed on the landowner (landlord) to inform tenants of any proposal likely to impact on the use and enjoyment of their tenure under the Residential Tenancies Act 1987;
- Results in duplicate letters being sent to the same premises.

Notwithstanding the above, nothing prevents the City from sending an additional letter addressed to the "Occupier/householder" of the affected property, where the address of the owner of the property is different, should Council consider this necessary.

In terms of administration, in order to limit duplicate letters being sent to the one residence, additional manual data verification will need to be undertaken in order to identify potential occupied residences (where landowner address details differ from the street address of the affected property). Officers are liaising with the City's IT Department with a view to automate this process to reduce double handling and improve efficiency, thereby limiting the cost of implementing this improvement.

The City concurs that letters to affected landowners and occupiers should include a clearer explanation of the proposed variation, including identifying the 'deemed-to-comply criteria being varied (ie. proposed v required). Unfortunately, there have been instances of advertising letters not providing a sufficient explanation of the R Code variation, and accordingly, the City will revise its template letters to provide clearer guidance for officers and to ensure a more consistent format is used.

Dissemination of hardcopy plans to the public

The City does not directly distribute hardcopy plans to residents primarily due to copyright laws as outlined in the previous Council report of 26 August 2013 (D56/8/13). The City has always taken a cautious approach and refrained from providing copies of plans to the public to avoid potential breaches of copyright law. This position has been taken in light of various general legal advice/bulletins published on the subject matter over the years.

As part of omnibus amendment No.35 to TPS No.4 (which was gazetted on 28 November 2008), the following disclaimer was added to the Schedule 6 - Form of Application for Planning Approval:

> *"The applicant acknowledges and accepts when lodging this application form, that the City may advertise, copy and/or reproduce any supporting plans and documentation submitted as part of this application."*

The intent of this disclaimer is to inform applicants that the information they supply may be copied, reproduced or advertised by the City. It was not intended to override copyright laws or protect the City against "third party" copyright, which is the act of supplying plans to another person who then uses that supplied information to commit copyright infringement. Admittedly, whilst the risk of copyright is relatively low, the City needs to ensure it takes appropriate steps to protect itself against litigation and prevent/deter third parties from committing copyright infringement. Further legal advice should be sort on this matter should Council consider it necessary to disseminate hardcopy plans to the public.

An optional 'tick the box' approach to waive copyright is a possible workaround, however the City does not consider this to be an efficient or consistent mechanism given it relies on the goodwill and willingness of the applicant. Difficulties will arise where an applicant elects not to tick the box. The City is also mindful that applicants who lodge an application may not have authorisation to waive copyright as the plans are often prepared by a third party (such as an independent architect, draftsperson etc).

The Western Australian Local Government Association has recently published an article which partly supports the City's cautious position on copyright as follows:

Local Governments have reported constraints on providing development documentation to third parties, as required to fulfil their legislative obligations, due to lack of exemption under the Copyright Act 1968 (Comm).

Due to copyright restrictions, some Local Governments are reticent to provide copies of building plans to affected residents when undertaking third party consultation. It has resulted in a number of Local Governments providing 'view only' access to plans in development applications. Whilst some Local Governments make the information available in the form of reproduced documents, or within Council Minutes, others have erred on the side of caution and do not allow physical or electronic copying of development applications. This has meant that interested parties taking advantage of the consultation opportunity is limited to viewing applications during office hours.

In 2012 the Australian Law Reform Commission (ALRC) commenced a review of the Copyright Act. This review has potential to impact on the manner in which Local Governments are able to reproduce documents in order to satisfy their statutory obligations. The ALRC was asked to consider whether exemptions and statutory licenses in the Copyright Act 1968 are adequate and appropriate in a contemporary digital environment and whether further exemptions should be recommended. The ALRC released an Issues Paper in August 2012 and a Discussion Paper in June 2013. The Final Report was tabled in Parliament in February 2014.

In the Commission's findings, specific exemptions were deemed necessary for Local Government. The Commission has recommended that use for public inquiries, use where a statute requires public access, and use of material sent to the Crown in the course of public business exemptions be included in the Act and be available to Local Government.

To date no amendments to the Copyright Act 1968 have been drafted and the report is classed as still under consideration with the Commonwealth Attorney-General. It is considered of value that ALGA progress the matter with the Federal Attorney-General's Department to ensure that Local Government is included in proposed new exemptions under the Copyright Act 1968.

The City appreciates the importance of being transparent and making such plans available to affected owners/occupiers as part of the consultation process. However, due the current legal impediment of the Copyright Act 1986 the City would not recommend that hardcopy plans be disseminated to the public. A possible solution to this issue is discussed below under the heading "Corporate Website".

Corporate Website

Notwithstanding the above, the City is confident that it can make plans more easily accessible through the implementation of its new corporate website. Whilst use of the website does not strictly absolve copyright, at least the City will have the ability to write protect documents to deter third parties from copying/printing content in order to better safeguard itself against copyright infringement. The new website will provide the ability for each business unit to upload content (ie. advertising, public notices etc) to the website instantly. This will overcome the current resourcing limitations and time lags with uploading applications to the existing website. Development Services is also very keen to explore the workflow functionality of the website to see if it can include an automated email to notify Councillors when major applications are out for advertising or relevant content of interest is uploaded to the website. This could avoid the need for hardcopy memos and would ensure content is viewable online immediately from the time of notification. It should be noted that Councillors are currently not notified when RDCV applications are advertised given the generally minor nature of such proposals.

Once the new corporate website is rolled-out over the coming months, Development Services intends to upload RDCV applications, including relevant plans (or extracts of) that only depict the proposed variation being consulted on as soon as practicable. Affected owners/occupiers will be invited in writing to view the relevant link online at their leisure should Council consider this to be acceptable. The City is mindful that not all residents have internet access available at home, however it is acknowledged that internet access is more widely available nowadays and can still be conveniently accessed in public libraries. Plans will continue to be made available for viewing at the City's Planning front counter.

It should also be noted that in light of the City operating a fully electronic document management system (TRIM), it is preferable to limit the amount of resources (both cost and time) required to print and photocopy plans to reproduce hardcopy versions, where possible. The website is considered to be an effective, relatively user friendly and convenient mechanism to display such information for public viewing. It also overcomes the constraint of illegible plans associated with photocopying/reducing large hardcopy plans, as electronic images can be magnified without compromising the resolution (quality) of the plan.

OPTIONS

1. Council could note the proposed procedural improvements relating to the advertising of applications involving variations to the Residential Design Codes.

2. Council could request other appropriate improvements.

CONCLUSION

The City acknowledges there have been deficiencies in its current administrative procedures relating to submittees not being appropriately informed of the outcome of RDCV applications and advertising letters not clearly informing affected land owners or occupiers of the proposed variations. These deficiencies will be rectified and reflected in the Directorate's internal administrative procedures (templates, assessment sheets etc) accordingly. The dissemination of hardcopy plans is more difficult to overcome, however the imminent implementation of the City's new corporate website could facilitate the publication of such plans online for affected owners/occupiers to view at their convenience should Council consider this acceptable. In this regard, Option 1 is recommended.

RECOMMEND

That Council:

1. **Note the proposed procedural improvements to be implemented for applications involving variations to the Residential Design Codes of Western Australia.**

ATTACHMENTS

1. Copy of Report - Public Consultation Procedures - DSC Minutes - 14/6/05
2. Copy of Report - Advertising of Development Applications - DSC Minutes - 19/8/13

3.3 - KEEPING ROOSTERS IN ALL RESIDENTIAL AND RURAL LIVING ZONES

At the Council meeting held on 10 November 2014, Cr Zelones referred the following matter to the Development Services Committee.

> *That the matter of a policy / local law or amendment to Town Planning Scheme No.4 to control or prohibit of keeping roosters in all residential and rural living zones in the City of Armadale, be referred to the Development Services Committee.*

Comment from Cr Zelones

In recent weeks a number of complaints have been referred to Council Officers and Councillors for action to be taken in relation to the keeping of poultry and in particular the keeping of roosters in a residential suburb.

Currently there are three potential avenues for the City to control this problem -

- The Health Act
- Town Planning Scheme No.4
- Local Laws

Committee to discuss.

RECOMMEND

Officers to investigate and report back to the Development Services Committee on the best course of action.

ATTACHMENTS
There are no attachments for this report.

COUNCILLORS' ITEMS

Items to be submitted.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT _____

DEVELOPMENT SERVICES COMMITTEE

SUMMARY OF "A" ATTACHMENTS

18 NOVEMBER 2014

ATT NO.	SUBJECT	PAGE
1.1	**APPLICATION FOR REVIEW TO STATE ADMINISTRATIVE TRIBUNAL WITH REGARD TO CONDITIONS OF APPROVAL IMPOSED ON DEVELOPMENT APPROVAL FOR EXPANSION OF EXTRACTIVE INDUSTRY (GRAVEL QUARRY) AT LOT 9 BROOKTON HIGHWAY KARRAGULLEN**	
1.1.1	Site Plan - Lot 9 Brookton Hwy, Karragullen	39
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2.1	**REVIEW OF LOCAL PLANNING POLICY PLN 4.2 - ADVERTISEMENTS (SIGNAGE)**	
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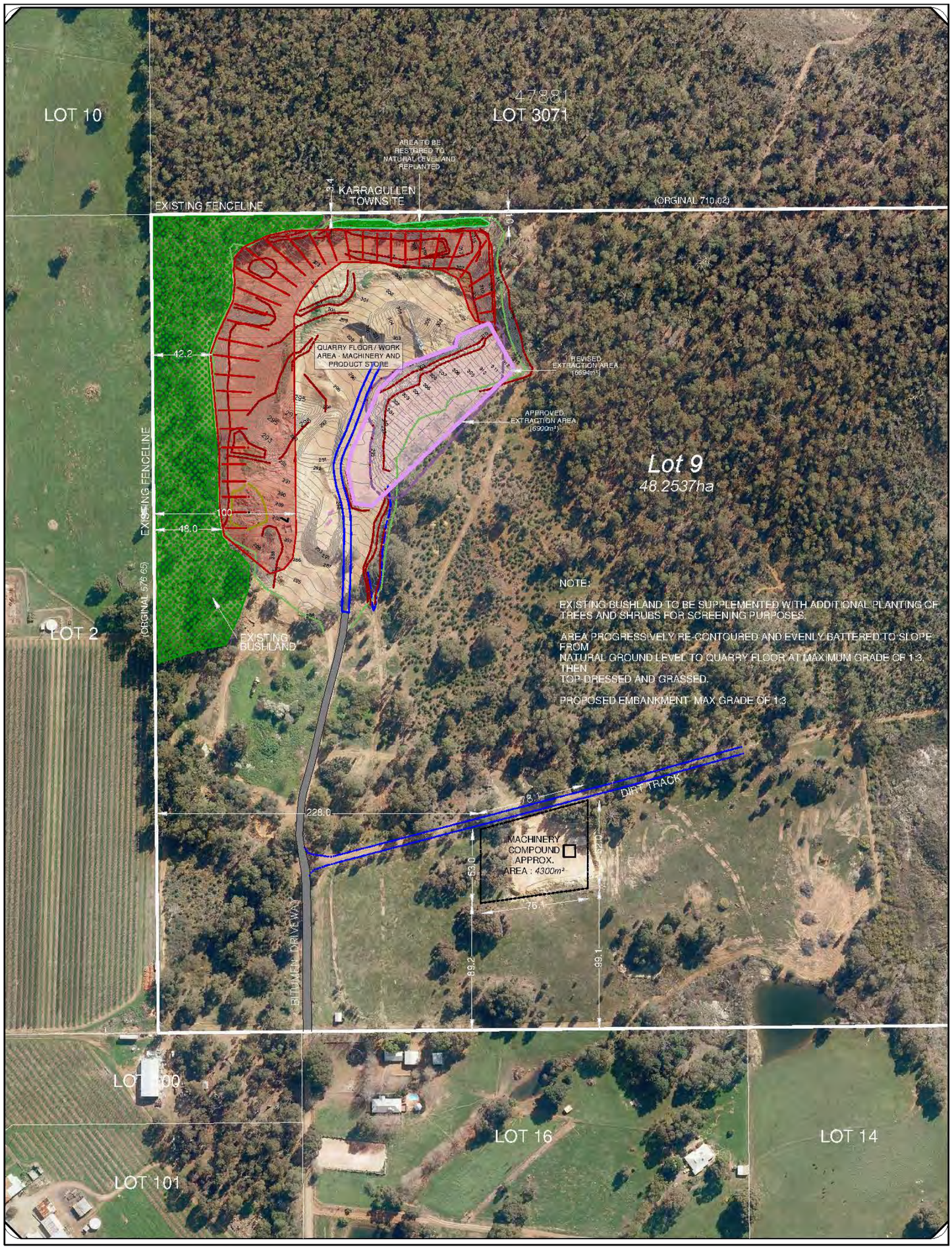
~47881
LOT 3071
(ORGINAL 710.02)
Lot 9
48.2537ha
NOTE:
EXISTING BUSHLAND TO BE SUPPLEMENTED WITH ADDITIONAL PLANTING OF TREES AND SHRUBS FOR SCREENING PURPOSES.
AREA PROGRESSIVELY RE-CONTOURED AND EVENLY BATTERED TO SLOPE FROM NATURAL GROUND LEVEL TO QUARRY FLOOR AT MAXIMUM GRADE OF 1:3, THEN TOP-DRESSED AND GRASSED.
PROPOSED EMBANKMENT MAX GRADE OF 1:3.
REVISED EXTRACTION AREA (6694m²)
APPROVED EXTRACTION AREA (6900m²)
AREA TO BE RESTORED TO NATURAL LEVEL AND REPLANTED
KARRAGULLEN TOWNSITE
QUARRY FLOOR / WORK AREA - MACHINERY AND PRODUCT STORE
EXISTING FENCELINE
EXISTING BUSHLAND
DIRT TRACK
MACHINERY COMPOUND APPROX. AREA : 4300m²
BITUMEN DRIVEWAY
(ORGINAL 576.65) EXISTING FENCELINE
LOT 10
LOT 2
LOT 100
LOT 101
LOT 16
LOT 14
10
3.4
42.2
48.0
100
228.0
78.1
62.0
99.1
76.1
53.0
89.2
NOT TO SCALE
CITY OF Armadale
State Administration Review:
Amended Overall Site Plan for Quarry
Lot 9 Brookton Hwy, Karragullen
DATE 11 November 2014 REVISION 1401



State Administration Review:

Aerial Photo with Amended Overall Site Plan for Overlay

Lot 9 Brookton Hwy, Karragullen

DATE 10 November 2014 REVISION 1401

33 0 33 66m

SCALE 1 : 3300

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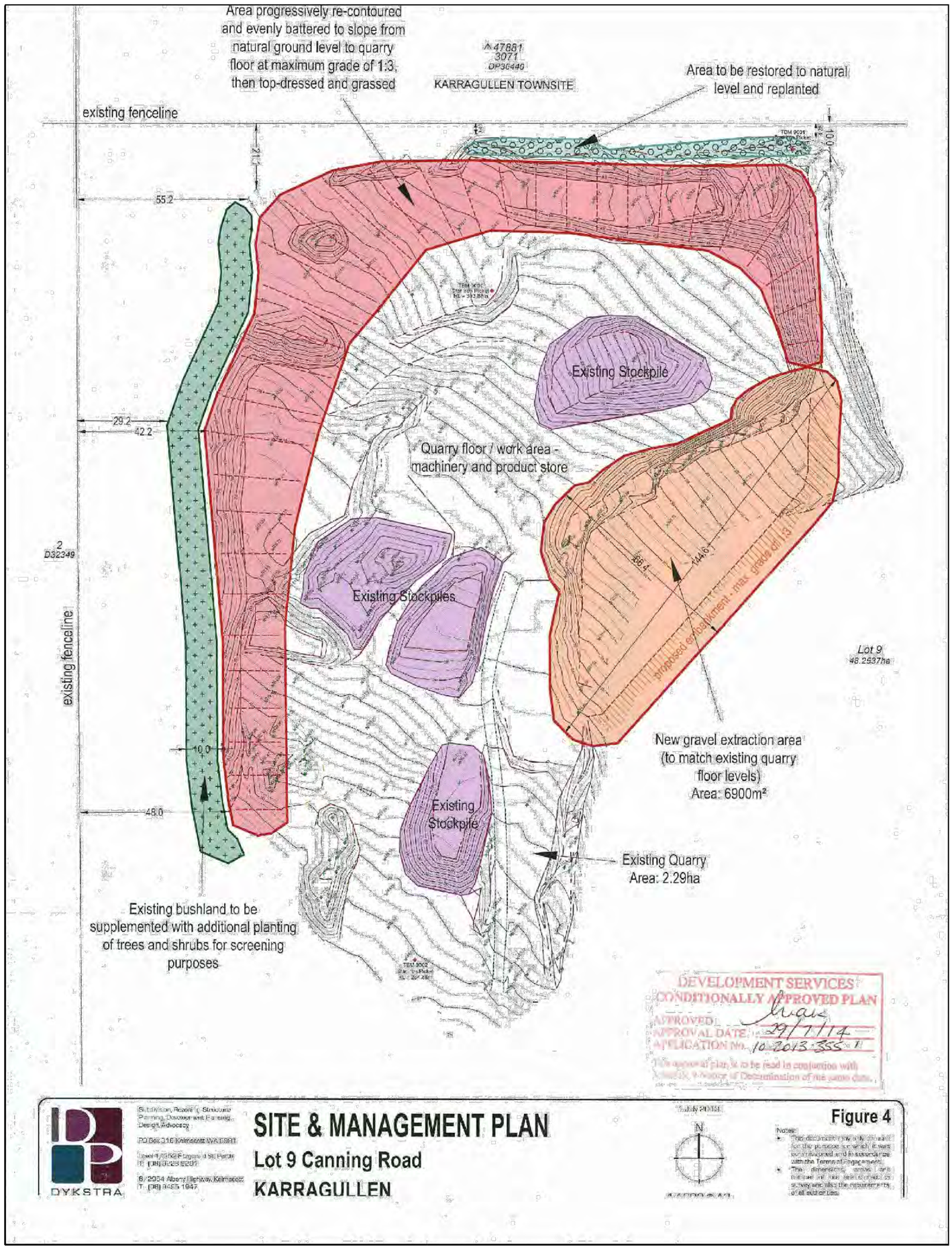
CITY OF Armadale



Previously Approved Plan
Lot 9 Brookton Hwy, Karragullen

NOT TO SCALE

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DATE 6 November 2014 REVISION 1401

CITY OF Armadale

PLN 4.2 ADVERTISEMENTS (SIGNAGE)

1. INTRODUCTION

The Policy provides a framework for regulating the design and placement of signage in the City of Armadale. The City supports the need for signage to promote a business or activity, but it also supports the need for signage that does not adversely impact the amenity and streetscapes of the City and remains compatible with the design, character and use of buildings and places.

2. APPLICATION OF POLICY

The policy applies to all signage proposed in the City. Signage is a form of development that requires planning approval, other than signage that is exempt from planning approval under Schedule 5 of Town Planning Scheme No. 4.

The policy provides guidance to applicants making signage applications and the City's officers when assessing such applications under the City's Town Planning Scheme.

For the purpose of this policy, signage and advertisements have the same meaning, which as defined in Town Planning Scheme No. 4 is:

Any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

3. OBJECTIVES OF POLICY

a) To ensure signage relates to the approved use taking place at the building or land on which it is located;
b) To ensure signage does not adversely impact on the amenity and streetscapes of the City and is integrated with the surroundings;
c) To ensure signage does not detract from the level of public safety;
d) To ensure the colour, materials and general design of signage is compatible with the style, heritage values and character of a building and/or place (envisaged by the City or existing);
e) To ensure that the scale of a sign is appropriate to the size of buildings and lot frontages;
f) To limit the number of signs at any one property and avoid the general clutter of signage along street frontages and/or on buildings;
g) To ensure that where multiple signs are erected on a single building or at a single place, the style and form of such signage remains consistent; and
h) To provide preferred development standards for signs in terms of illumination, area, dimensions, text, graphics and images etc.

4. POLICY STATEMENT

4.1 Assessment Criteria

This policy adopts a performance based approach to the assessment of signage applications. In all instances the performance criteria below will accordingly be considered by the City when determining the acceptability of sign/s, in addition to the policy objectives.

To help demonstrate that an application meets the Signage Performance Criteria, applications should always aim to meet the Development Standards shown in Table 1 and Part 4.2 of this policy, as the City can look more favourably on applications that meet these standards when considering if an application meets the Signage Performance Criteria.

The onus is on the applicant to demonstrate in writing that their application meets all the Signage Performance Criteria to the City's satisfaction. The Signage Self Assessment Sheet appended to this policy accordingly needs to be completed by applicants as part of their signage application. The City will refuse or require amendments to applications that do not meet the Signage Performance Criteria to its satisfaction. Applications may also be referred to Council for determination.

Signage Performance Criteria

Signage that enhances the streetscapes and amenity of the City, taking account of the need to:

- avoid clutter or the need for multiple inconsistent and adhoc signs on buildings and along street frontages;
- provide signage that is in keeping with the form, scale and character of a building and the locality;
- incorporate signage into the overall design of a building;
- provide signage which is related to the approved use/s taking place at the land or building on which it is located;
- provide signage which does not cause a nuisance (e.g. light spillage or obstruction of views of significance); and
- provide signage that does not create public safety concerns, cause driver distraction or confusion or obstruct sightlines or accesses for vehicles or pedestrians.

4.2 Sign Development Standards (Additional to the discretionary development standards in Table 1)

(a) Except for hoardings or illuminated directional street signs, signs shall only display the following:

i) The name of the occupier/s of the business;
ii) Details of the business carried at the premises;
iii) Details of the goods sold in the premises to which it is affixed; and
iv) Any other information specifically approved by the City.

(b) No sign shall:

i) be constructed of glass, unless it is part of an illuminating globe or tube;
ii) be constructed of readily combustible material (including paper, cardboard or cloth), except as part of a banner, flag or poster securely fixed to a signboard or other structure;
iii) be likely to be confused with, or mistaken for, an official traffic light or sign, or so as to contravene the *Road Traffic Act 1974*, or the *Road Traffic Regulations*;
iv) affect the stability of any building;
v) be placed as a portable sign in a street or public place;
vi) not relate to the land use or occupancy of that land (i.e. advertising that promotes business or activities elsewhere or products or services names will not generally be permitted), unless otherwise specifically approved by the City (e.g. illuminated directional street signs);
vii) be located in a position where it will unreasonably or unsafely obstruct or obscure a view of significance or driver or pedestrian sight lines;
viii) be fully or partially projected, flashing or animated, moving or rotating;
ix) emit light of such intensity that it could, in the opinion of the City, create a traffic hazard or nuisance to the public;
x) contain discriminatory or offensive material as determined by the City; or
xi) be detrimental to the general amenity or safety of an area.

(c) Individual buildings shall have no more than one approved sign unless otherwise approved by the City with consideration to the Signage Performance Criteria and where applicable Part 4.3 of the policy. Most commercial/business sites would usually be allowed more than one sign as part of a signage regime approved by the City.

4.3 Signage Regimes for Significant Development Proposals and Residential Estates

(a) The City will require a comprehensive signage format / signs regime (see appendix 3) to be produced by the applicant for significant development proposals such as shopping centres, showrooms or office complexes. A signs regime should also be prepared for new residential estate developments, where estate signage is proposed.

(b) The signs regime for a significant development proposal should demonstrate a consistent theme for proposed signage that will be located on the site that is consistent with the Signage Performance Criteria. The provision of pre-allocated positions or frames for the placement of signs on buildings is recommended. Where framing is not considered necessary, additional cut-out/3-D lettering directly attached to the building could be considered.

(c) The signs regime for a new estate development should make provision for:

i) a consistent theme for the estate;
ii) signs to be generally confined to the estate to which they relate;
iii) off site signs (with approval of relevant landowners) to be within 1 km of the estate and to be predominantly for directional purposes;

iv) full explanation of the design and location of any entry statements within a new estate and their on going maintenance;
v) a strategy for sign removal when a reasonable portion of lots are sold;
vi) the avoidance of a proliferation of estate signs; and
vii) include the suburb name, where appropriate.

4.4 Signage Maintenance

All signs shall be kept clean and free from unsightly matter and shall be maintained by the applicant and/or landowner in good order and repair to the satisfaction of the City, whether requiring approval or otherwise.

4.5 Signage which is not permitted

Table 2 of this policy specifies signage which is not permitted in the City.

4.6 Signage which is exempt from requiring planning approval under the City's Town Planning Scheme

Schedule 5 of Town Planning Scheme No. 4 specifies signage which is exempt from requiring planning approval in the City. In addition, Electoral Signs are also exempt subject to compliance with the corresponding development standards outlined under Table 1 of this policy.

4. 7 Public liability insurance and indemnity

Where a sign / advertisement will be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the City against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from the approval. The applicant and/or landowner may be required by the City to –

(a) take out a public liability insurance policy in the name of the owner or applicant and the City, for a minimum value of $10 million or such other amount as considered appropriate to the risk involved;

(b) keep that insurance policy current for the duration of the approval;

(c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the City;

(d) include a clause in the public liability insurance policy, which requires the landowner and/or applicant and the insurance company, to advise the City if the policy lapses, is cancelled or is no longer in operation;

(e) on the request of an authorised person, provide for the inspection of a certificate of currency for the required insurance policy.

TABLE 1
SIGNAGE DEFINITIONS AND DISCRETIONARY DEVELOPMENT STANDARDS

SIGN	DEFINITION	DISCRETIONARY DEVELOPMENT STANDARD
BANNER SIGN	A vertical or horizontal sign made of light weight, non-rigid material, such as cloth, canvas or similar fabric attached at one or both ends.	▪ Maximum height: 1.0m ▪ Maximum length: 2.0m ▪ May be placed on the face of a building at street level providing it can be demonstrated that it will not create safety concerns or inconvenience for pedestrians. ▪ Must not project beyond the face of the building. ▪ Shall not be erected for a period of more than 30 days.
ELECTORAL SIGN	A sign erected to encourage persons to vote for a candidate, political party or issue relating to an election of the Parliament of the Commonwealth or State or Local Government or a referendum.	Electoral Signs are exempt from requiring planning approval on privately owned land subject to compliance with Part 4.2 (b) of the policy and the following requirements: ▪ One sign or combination of signs not exceeding 1.2m² in total shall be permitted per lot, and in the case of a corner site, one such sign shall be permitted per street frontage up to 1.2m². (This does not apply to electoral signs erected within the grounds of an official polling place on the day of the election, in such cases, there is no limitation on the size or number of such signs). ▪ Shall not be erected more than 90 days prior to the election date to which it relates. ▪ Shall be removed within 14 days after the election date.
ENTRY STATEMENT SIGN	A fence or wall constructed of masonry or other materials to identify the entrance of an estate and may include, but not limited to, a sign promoting the estate name.	▪ The size, form and design are at the discretion of the City and will be assessed having regard to the Signage Performance Criteria and where applicable Part 4.3 of the policy. ▪ Signs shall be located entirely within private property. ▪ Where an Entry Statement Sign contains an estate name, it shall also include the locality.

TABLE 1
SIGNAGE DEFINITIONS AND DISCRETIONARY DEVELOPMENT STANDARDS

SIGN	DEFINITION	DISCRETIONARY DEVELOPMENT STANDARD
ESTATE DEVELOPMENT SIGN	A sign mounted on one or more support poles, erected on a lot within a subdivision or development estate, displaying information about the estate such as the estate name, the plan of subdivision or development, the estate features, sales and real estate agency contact details.	▪ Maximum height: 6.0 metres ▪ Maximum length: 3.0 metres ▪ Minimum clearance from the ground: 2.4 metres, unless the sign is designed as such that the underside of the face area is located at the ground level. ▪ Minimum land area to be developed: 1ha ▪ Maximum display period: Generally 2 years. ▪ Shall be removed within 30 days of 95% of lots or buildings within the estate or applicable stage being sold. ▪ Content is predominately for directional purposes. ▪ Is generally located within 1km of the land development estate or subdivision and is in close proximity to the-nearest road intersection.
HOARDING (BILLBOARD)	A detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of Section 377 of the *Local Government Act 1995*, as amended.	▪ Only permitted in restricted locations at the discretion of the City and must include information that is of community interest. ▪ The size, form and design are at the City's discretion. (It should be noted that hoardings/billboards will generally not be permitted unless circumstances exist that are considered exceptional by the City and necessitates the need for such signage.)

TABLE 1
SIGNAGE DEFINITIONS AND DISCRETIONARY DEVELOPMENT STANDARDS

SIGN	DEFINITION	DISCRETIONARY DEVELOPMENT STANDARD
HORIZONTAL SIGN	A sign affixed or painted on a building or structure where its largest horizontal dimension exceeds its vertical dimension.	When not attached to an awning or verandah: ▪ Maximum height: 1.5m ▪ Maximum width: 300mm (the proposed width shall not encroach public areas or road reserves in an adverse manner) ▪ Maximum length: 5.0m ▪ Minimum Clearance to Ground Level: 2.4m ▪ May be illuminated in accordance with Note C below. When attached to an awning or verandah: ▪ Maximum height: 500mm or if attached to a fascia the sign shall not project beyond the height of the fascia whichever is shorter. ▪ Maximum width: 300mm (If attached to a fascia, the proposed width shall not encroach public areas or road reserves in an adverse manner) ▪ Maximum length: Shall not project beyond the width of the awning/verandah or exceed 2.7m whichever is the shorter. ▪ Minimum distance from any other Awning/Verandah sign or Horizontal Wall Sign: 2.4m ▪ Minimum distance from side boundary of the lot: 1.2m ▪ Minimum Clearance to Ground Level: 2.4m ▪ May be illuminated in accordance with Note C below.
ILLUMINATED DIRECTIONAL STREET SIGN	See Appendix 1	▪ See Appendix 1

TABLE 1

SIGNAGE DEFINITIONS AND DISCRETIONARY DEVELOPMENT STANDARDS

SIGN	DEFINITION	DISCRETIONARY DEVELOPMENT STANDARD
PYLON SIGN	Means a sign supported by one or more supports and not attached to a building and includes a detached sign framework supported by one or more support posts to which sign infill's may be added. Includes a monolith sign (a pylon sign which is infilled from the ground level to the top of the sign to appear as a solid wall and where the supporting columns can not be seen).	▪ Maximum height: 6.0m ▪ Maximum length across the face of the sign: 2.5m ▪ Maximum width: 500mm ▪ Minimum clearance from ground level: 2.4 m, unless the sign is designed as such that the underside of the face area is located at the ground level. ▪ Minimum distance from any other pylon sign: 10m ▪ One pylon sign per road frontage or one for every 50m of linear road frontage. ▪ Be geometrically two sided (i.e. not "v" shaped). ▪ Individual pylon signs in close proximity to each other will not be supported for individual tenancies where multiple units/tenancies exist or are proposed to exist on a lot. The pylon sign/s shall be designed to provide one infill panel for each unit/tenancy on the lot and where this occurs the maximum height may be increased to 7.0m. ▪ May be illuminated in accordance with Note C below.
ROOF SIGN	Means a sign or advertising device erected on or attached to the roof of a building.	▪ Maximum height: 750mm ▪ Maximum length: 4.5m ▪ Maximum distance between top of sign and roof: 750mm ▪ Maximum height of building: 7.5 metres ▪ May be illuminated in accordance with Note C below.

TABLE 1
SIGNAGE DEFINITIONS AND DISCRETIONARY DEVELOPMENT STANDARDS

SIGN	DEFINITION	DISCRETIONARY DEVELOPMENT STANDARD
TETHERED SIGN	A sign which is suspended from, tethered or tied to any structure including poles or other object (with or without supporting framework). The term includes flags (moveable or permanent) and lighter-than-air and inflatable devices such as balloons and blimps.	▪ Maximum height: Flags: 900mm Inflatable devices: 7.0 metres ▪ Maximum diameter: Flags: N/A Inflatable devices: 4.0m ▪ Maximum Length: Flags: 1.6m Inflatable devices: If applicable, at the City's discretion. ▪ Minimum height from ground: 2.7 metres ▪ Maximum height from ground: 8.0 metres ▪ Minimum distance from any pylon sign: 10 metres ▪ Shall be located wholly within the boundaries of the subject lot. ▪ Inflatable devices and moveable flags shall only be erected for a maximum period of 4 weeks at a time and may only be erected on the property no more than twice in each calendar year. A minimum of 4 weeks must elapse between displays of an inflatable sign or moveable flags. ▪ A maximum of one inflatable device or two moveable flags may be erected at a property or tenancy for a limited period at any one time for larger showroom and/or retail outlets to promote a special event/sale. ▪ Shall not contain fluorescent, reflective or retro reflective colours. ▪ Where applicable, engineer's certificate is required confirming that the integrity of the roof will not be adversely affected.

TABLE 1
SIGNAGE DEFINITIONS AND DISCRETIONARY DEVELOPMENT STANDARDS

SIGN	DEFINITION	DISCRETIONARY DEVELOPMENT STANDARD
TEMPORARY SPORTING & COMMUNITY SIGN	Means a temporary advertisement erected by a sporting or community group for the purpose of advertising a sporting or community event (e.g. cultural activities, sporting registration days, arts & crafts fairs and market days or other events of public interest).	▪ Maximum height: 1.5m ▪ Maximum length: 3.0m ▪ Maximum width: 300mm ▪ Shall not be illuminated or contain fluorescent, reflective or retro reflective colours. ▪ Shall be limited to show the name, location and date of the event. ▪ Shall be limited to one sign per road frontage. ▪ Shall be exhibited for not more than 20 days before the event and shall be removed no later than 2 days after the conclusion of the event. ▪ The sign writing shall be of a professional standard and quality, to the satisfaction of the City. ▪ Shall not be within road reserves or other public land without prior approval from the relevant authority.
VERTICAL SIGN	Means a sign affixed or painted on a building or other structure with its largest dimension being vertical.	When not attached to an awning or verandah: ▪ Maximum height: 3.0m ▪ Maximum length: 1.5m ▪ Maximum width: 300mm (the proposed width shall not encroach public areas or road reserves in an adverse manner) ▪ Minimum Clearance to Ground Level: 2.4m ▪ May be illuminated in accordance with Note C below When attached to an awning or verandah: ▪ Maximum height: 500mm or if attached to a fascia the sign shall not project beyond the height of the fascia whichever is shorter ▪ Maximum width: 300mm (If attached to a fascia, the proposed width shall not encroach public areas or road reserves in an adverse manner) ▪ Maximum length: Shall not project beyond the width of the awning/verandah or exceed 1.5m whichever is the shorter. ▪ Minimum distance from any other Awning/Verandah sign or Vertical Wall Sign: 2.4m ▪ Minimum distance from side boundary of the lot: 1.2m ▪ Minimum Clearance to Ground Level: 2.4m ▪ May be illuminated in accordance with Note C below

Notes:

a) Unless a sign is categorized as "Exempt" in the Town Planning Scheme, an application must be submitted to the City for approval.

b) Where a sign is to be located on a place that is a Heritage Area or included in the Municipal Heritage Inventory or a Heritage List, an application for such signage must be submitted to the City for approval, notwithstanding that the sign type may be categorised as "Exempt" under the Town Planning Scheme.

c) A sign being illuminated means that is so arranged as to be capable of being illuminated, either from the inside or outside by artificial light provided for that purpose but shall not emit flashing, intermittent or sequential light. The following standards apply to the illumination of signs:

- The boxing, casing or framing shall be constructed of incombustible material.
- Electrical installation shall be to the satisfaction of the appropriate electrical supply company and in accordance with AS/NZS 3000:2007 (as amended).
- Light emission must be of a low-level not exceeding 300cd/2 and not flash, pulsate, move or rotate.
- Light emission is not to be of such intensity or colour as to cause annoyance to the public, constitute a traffic hazard or interfere with traffic lights.

d) All Advertisements (Signage) will be assessed against the Signage Performance Criteria whether listed in Table 1 or not.

e) Also refer to Appendices.

TABLE 2
SIGNAGE THAT IS NOT PERMITTED (INCLUDING DEFINITIONS)

SIGN	DEFINITION
BUNTING	A string of flags, streamers and the like strung in a line(s) from or otherwise attached to a building or other structure.
DIRECTION SIGN	A sign erected in a street, verge, power pole, tree that indicates the direction to be taken to some other place or is erected for the purpose of advertising* *(A "Blue on White Direction Sign" that is designed, made and affixed by the City at an applicant's expense may be approved by the City. An application for such a sign must first be approved by the City's Technical Services with consideration to the City's *Activities and Trading in Thoroughfares and Public Places Local Law* and any other matters they deem applicable).
MOVEABLE SIGN (excludes moveable flags as specified under Tethered Signs in Table 1)	A sign that can be moved and or is attached to a structure that is capable of being moved under its own power or with assistance.
SANDWICH BOARD	A sign not permanently fixed to a building, wall, fence, structure or the ground and consisting of two sign boards attached to each other at the top by hinges or other means.
PROJECTION SIGN	A sign that is made by the projection of light onto a canvas, wall or similar structure.

APPENDIX 1

ILLUMINATED DIRECTIONAL STREET SIGN REQUIREMENTS

1. Introduction

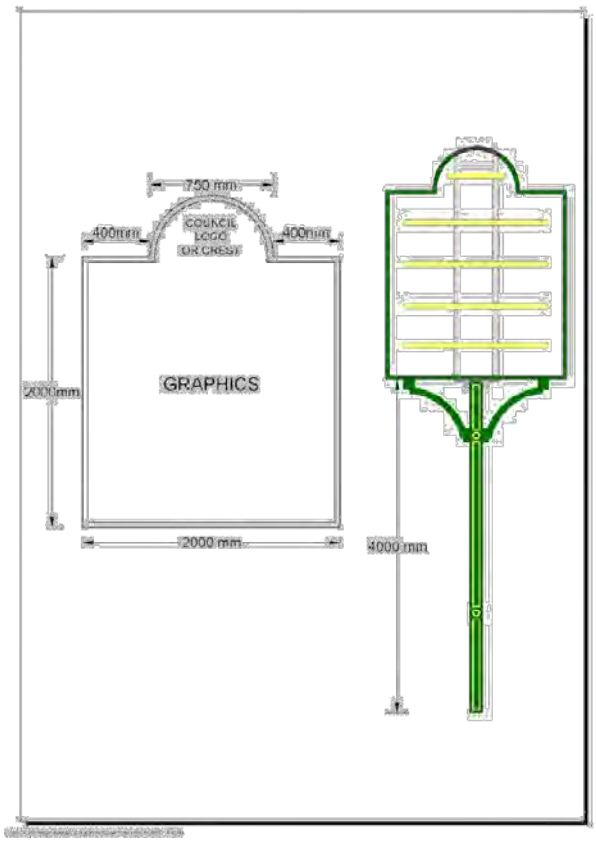
Illuminated Directional Street signs are specific signs as detailed below that are installed on Council managed road reserves and intended to direct people to various business and community facilities within the City.

The City controls Illuminated Directional Street Signs to minimise any impacts on amenity, adverse affects on the natural or built environment, streetscapes and the efficiency, safe use or appearance of any road.

2. Colour Scheme

Dark green border, lettering and pole(s), cream face, red scroll.

3. Form and Dimensions



4. Symbol

If the sign is within or promoting the City Centre:

If the sign is outside the City Centre:

5. Message

a) Name of Centre
b) Services as applicable
c) Direction / distance symbol
d) Road / street name

6. Restrictions

a) Only to be located subject to Council approval on Council controlled roadways, reserves etc.
b) Signage shall be of a comprehensive generic description of a centre or building and not to an individual business or brands.
c) The placement of these signs is to be selective at strategic locations to avoid general signage clutter and confusion.
d) Signs are not to interfere with the use of any pathway, cycleway, crossover or line of sight for vehicles, cyclists or pedestrians.
e) Attachment of road/finger signs to be restricted to specific locations approved by Council.
f) Shall be used collectively to enhance, support and contribute to the common theme of a recognised precinct, arcade, industrial area etc.
g) The centre being advertised must be located near the sign (an acceptable distance shall be determined by the City with consideration to the purpose and intent of the sign), on the same road as the sign or be substantially visible from the same road as the sign.
h) Community messages are to be of public benefit at the nominated location and to the satisfaction of the City.
i) Approvals shall generally be time limited for a temporary period of up to a maximum of five (5) years and subject to a new application for planning approval prior to expiration. The City may also refuse to renew an extension and require the sign to be removed.

7. Sign Location

a) Must be erected on a road under the control of Council.
b) Must be located at an intersection.
c) Must be located on the opposite side of the road to any existing sign at an intersection.
d) Must only be located on arterial roads.
e) Must not be located at random and in isolated locations around the City.
f) Signs are generally not permitted within or in the vicinity of intersections/roundabouts where traffic speed and movements are such that the driver needs to concentrate fully on the task of driving (e.g. at channelised intersections where high speed arterial traffic does not proceed straight ahead).
g) The sign must be set back at least 4.5m from the back of the kerb and located to the satisfaction of the Technical Services Directorate and Main Roads WA (where appropriate).

8. Number

a) Maximum of one (1) sign at T-intersections.
b) Maximum of two (2) signs at four-way intersections, where no impact on amenity and streetscape.
c) Signs are not to be located on traffic islands or in the centre of roundabouts.

9. Illumination Standards

a) Boxing, casing or framing to be constructed of incombustible material.
b) Electrical installation to be to the satisfaction of the appropriate electrical supply company and in accordance with AS/NZS 3000:2007 (as amended).
c) Sign is to be maintained to operate as an illuminated sign.
d) Light emission must be of a low-level not exceeding 300cd/2 and not flash, pulsate, move or rotate.
e) Light emission is not to be of such intensity or colour as to cause annoyance to the public, constitute a traffic hazard or interfere with traffic lights.

10. Costs

a) The cost of establishing/erecting and maintaining the signs in good order to be borne by the applicants.
b) In the event of non-compliance with approval and maintenance conditions, the City may, within 14 days of a notice, remove the sign and charge the applicants for removal and disposal.
c) Annual rental to be paid to the City as specified by the City.
d) Full cost of any electricity connection and supply to be paid to the electricity supplier by the proponent.

11. Written agreement and Public Liability Insurance

a) A written agreement being provided to the Executive Director Technical Services prior to the erection of the sign on the land, that the sign company will be responsible for all maintenance, removal (within 24 hours should the sign be damaged), replacement and removal of graffiti (within 3 working days), as well as informing the City should any of the above be carried out.
b) The sign proponent shall obtain a public liability Insurance Policy to the value of $10 million and it shall remain current for the life of the sign.

12. Removal or Relocation

The sign shall be removed or relocated at the applicants cost and to the satisfaction of the City, in the event any road works, service relocation, upgrade and/or road widening is required, within 30 days of a written request from the City.

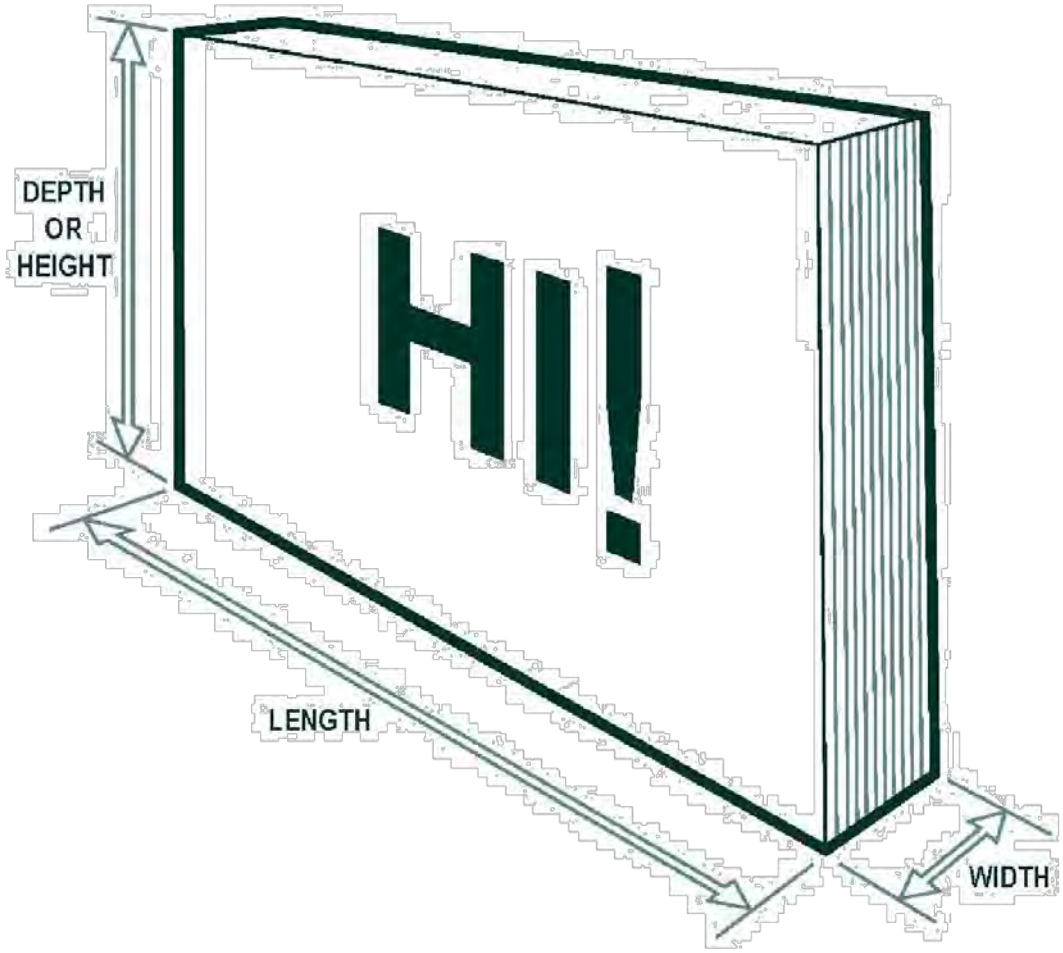
The removal of signs may be necessary in the following circumstances:

a) Where the sign has not been maintained to the satisfaction of the City.
b) Where the sign is damaged or has become illegible.
c) Where road works and/or the installation of public utility services necessitates the removal of the sign.
d) Where there is a substantial change in the nature of traffic or the alignment of the road in the vicinity of the sign.
e) Where the road is reclassified to accommodate a higher speed.
f) Where the message conveyed on the sign in the opinion of the City is no longer current, appropriate or acceptable.
g) Where the proponent has not complied with the terms of the approval for the sign issued by the City.

At the termination of the approval period the proponent shall completely remove the sign (include footings and cabling) and reinstate the verge at the proponent's cost.

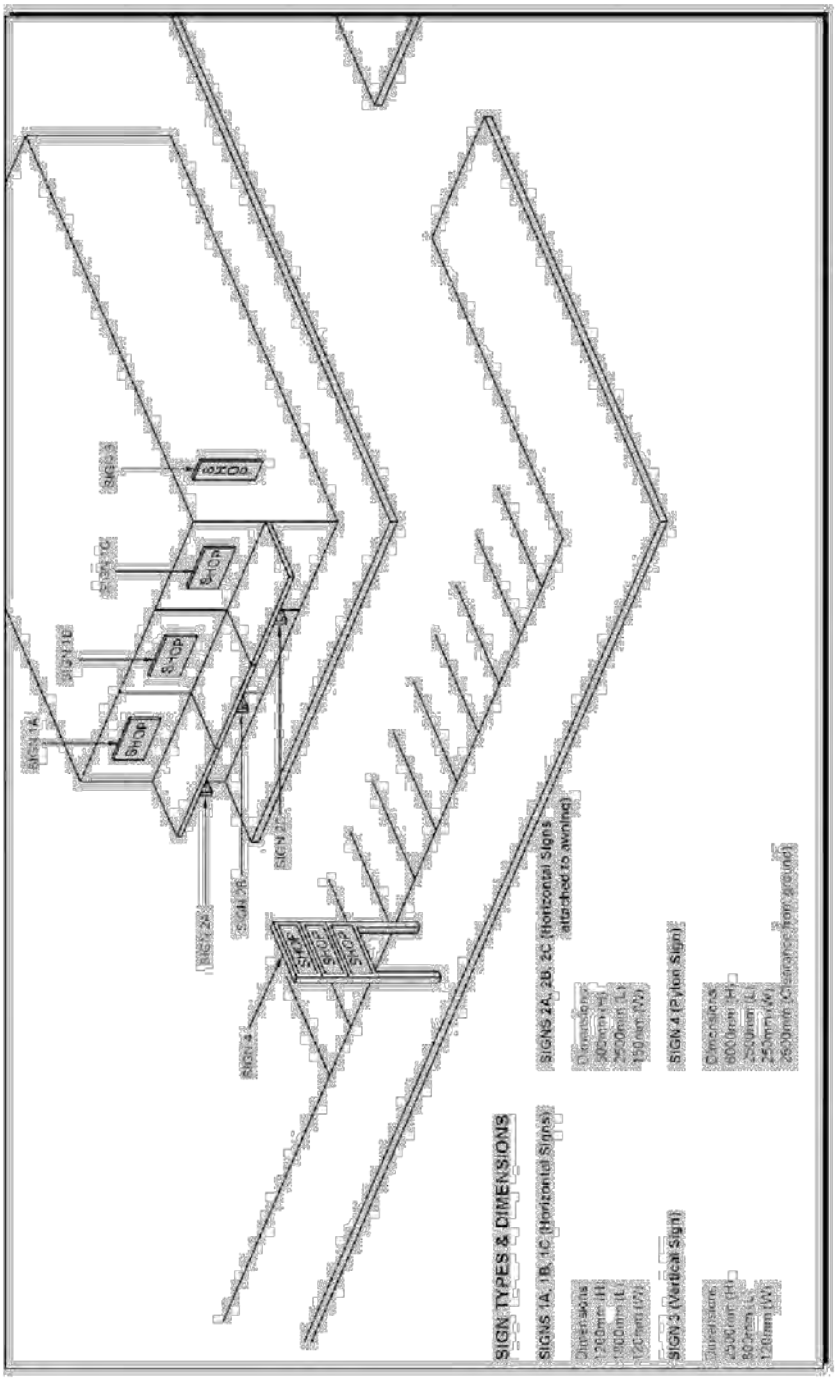
APPENDIX 2

SIGN DIMENSIONS



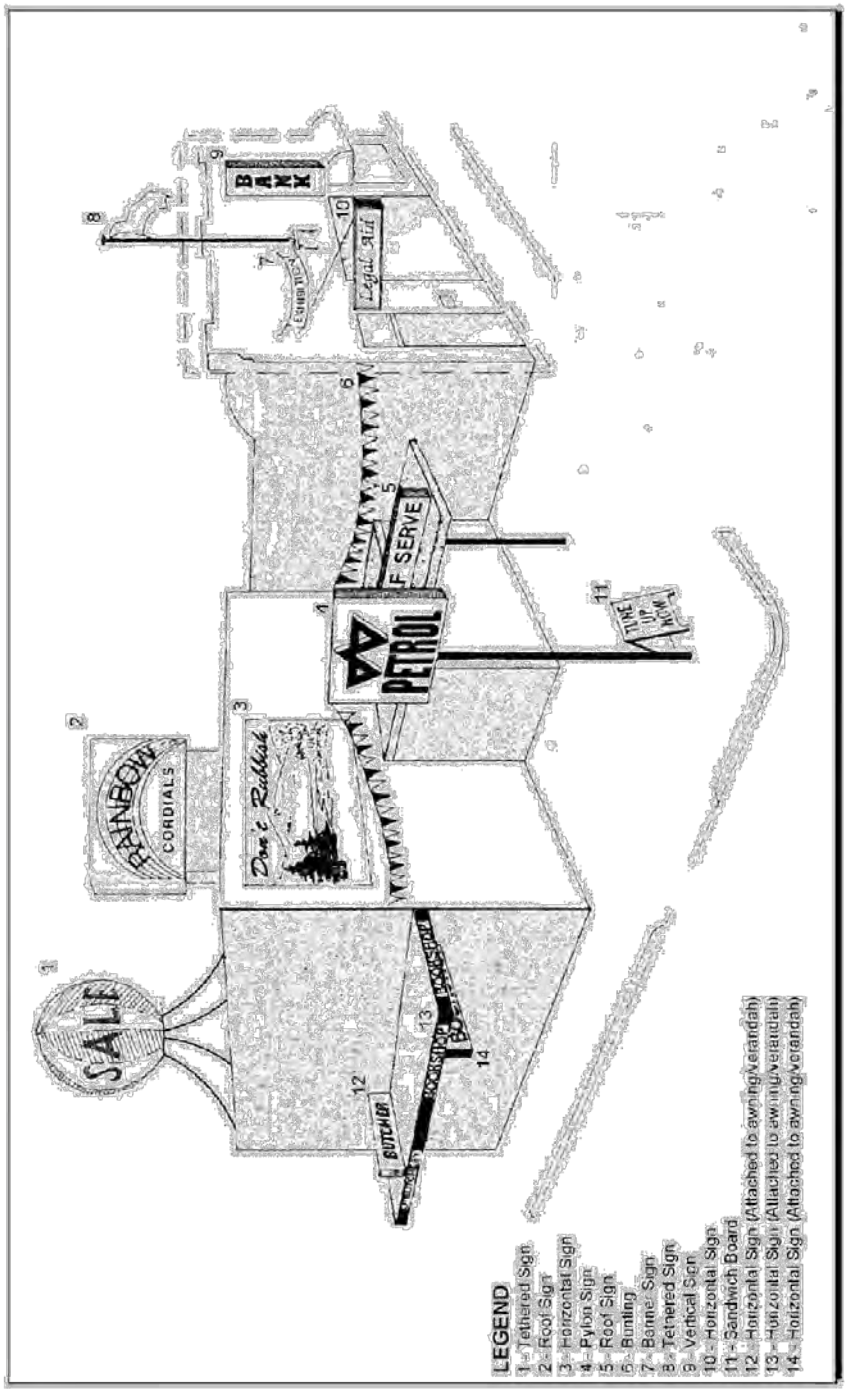
APPENDIX 3

EXAMPLE SIGNS REGIME



APPENDIX 4

SIGN TYPE EXAMPLES



APPENDIX 4
SIGN TYPE EXAMPLES

APPENDIX 5
SIGNAGE SELF ASSESSMENT SHEET

SIGNAGE PERFORMANCE CRITERIA SELF ASSESSMENT SHEET

This self assessment sheet needs to be completed and submitted by applicants as part of their signage application.

Please tick yes or no in response to each question and where you answer yes, written justification/reasoning for your yes response needs to also be included in the space provided (justifications/reasoning can be attached to the assessment sheet if more space is required – Dot points can be used). If you answer no to any of the questions, you may need to review/amend your application and ensure it is acceptable paying regard to the policy requirements, prior to submitting it to the City for assessment.

1. Does the signage avoid clutter and the need for multiple inconsistent and adhoc signs on buildings and along street frontages? Yes No

2. Is the signage in keeping with the form, scale and character of a building and the locality?
   Yes No

3. Is the signage incorporated into the overall design of a building?
   Yes No

4. Does the signage relate to the approved use/s taking place at the land or building on which it is located?
   Yes No

5. Does the signage not cause a nuisance (e.g. light spillage or obstruction of views of significance etc.)?
   Yes No

6. Does the signage not create public safety concerns, cause driver distraction or confusion or obstruct sightlines or accesses for vehicles or pedestrians?
   Yes No

D53/5/07 Development Services Committee 15 May 2007 - Adopted by Council 21 May 2007
D89/11/12 Development Services Committee 19 November 2012 - Adopted by Council 26 November 2012
Current Version Adopted by Council at its meeting on 25 February 2013 via the CEO's Report.

PLN 2.1	ESTABLISHMENT OR AMENDMENT OF DEVELOPMENT ENVELOPE LOCATIONS

1. INTRODUCTION

A development envelope is defined as *"an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained"*.

Development envelopes are established in accordance with Clause 5.7 of Town Planning Scheme No.4 and prohibit the clearing of remnant vegetation outside the designated envelope, except in the following instances:

- as necessary for the establishment of an approved vehicular access from the adjacent street to the designated development envelope;
- as required to satisfy necessary bush fire protection measures as determined by the City or other relevant authority; or
- as otherwise approved by the City in accordance with the provisions of clause 5.5.

This policy establishes criteria to determine the appropriate location and size of development envelopes and also outlines the minimum submission requirements for applications to either establish a new or amend an existing development envelope.

2. APPLICATION OF POLICY

This policy applies to:

a) Rural Living, Special Residential and General Rural Zones where rezoning, structure plans or subdivision is proposed;
b) Subdivisions and Structure Plans with trees protected under Clause 11.8 of the Scheme;
c) Development applications proposing to amend existing development envelopes; and
d) Areas where development envelopes have been specified or required by the Town Planning Scheme, a Structure Plan and/or subdivision/development approval.

3. POLICY OBJECTIVES

a) To establish criteria to assist in the determination of appropriate development envelope location and size.

b) To ensure development envelopes are located, designed and sized appropriately to minimise clearing of remnant vegetation and reduce visual impact of built form on the surrounding locality.

4. POLICY STATEMENT

4.1 Location and Design of Development Envelopes

Development envelopes should be located and designed taking into consideration the need to:

4.1.1 Accommodate minimum setback requirements of the relevant Town Planning Scheme, Structure Plan, subdivision/development approval and/or a bushfire management plan.

4.1.2 Maximise the protection of remnant native vegetation/natural landforms/water features and limit the extent of clearing required;

4.1.3 Reduce the visual impact of building bulk from adjoining roads, public areas and/or nearby properties;

4.1.4 Avoid steep topography (preferably no greater than 1:6) where possible;

4.1.5 Provide for effluent disposal, including associated irrigation areas if applicable;

4.1.6 Provide for Building Protection and Hazard Separation zones as identified by an approved bushfire management plan.

4.2 Size of Development Envelopes

There is a general presumption against enlarging the size of an approved development envelope. Applicants are encouraged to carefully design and locate development envelopes in such a manner so as to avoid the need to apply for ad hoc amendments.

4.2.1 The maximum aggregate size of a development envelope is to be in accordance with Table 1 below, unless otherwise determined by the City:

TABLE 1 – Maximum Development Envelope Size

Lot size (ha)	Maximum Development Envelope size (m^2)
<1ha	As determined by the City with regard to criteria outlined in 4.1of this policy.
1ha-<2ha	2000m^2
2ha-<4ha	3000m^2
4ha-<10ha	4000m^2
10ha above	5000m^2

4.2.2 Notwithstanding Table 1 above, the City may require a lesser size in order to satisfy criteria outlined in 4.1.

4.2.3 The maximum aggregate area of approved development envelopes should be maintained where possible. Any proposed enlargement should be offset by deducting an equivalent (undeveloped) sized area from the existing envelope.

4.2.4 The City may permit more than one development envelope on a lot in circumstances where site constraints prevent the clustering of a development and/or to limit the extent of clearing on site, subject to the aggregate area identified in Table 1 being maintained.

4.3 Applications to establishment or amendment a Development Envelope

Applications are to include and address the following requirements:

4.3.1 Site Plan (to scale) depicting the following:

a) The location of the existing (if applicable) and proposed development envelope, clearly marked and dimensioned, including aggregate area and setbacks from boundaries;

b) Extent of existing vegetation on the lot, proposed removal of vegetation, and proposed replanting or revegetation to offset any vegetation being removed;

c) Topography of the land (either showing the percentage slope across the site or contours at 1m or 5m intervals);

d) Building Protection and Fire Hazard Separation zones where applicable;

e) Location of any natural landform or water features;

f) All structures and driveways (existing and proposed) on the entire site, with dimensions and areas.

4.3.2 Details of the intended form/type of development to be contained with the development envelope.

4.3.3 A written submission of justification addressing the matters outlined under Policy Statement 4.1 and 4.2 above.

D106/6/03 Development Services Committee 9 June 2003 - Adopted by Council 16 June 2003
D160/9/04 Development Services Committee 13 Sept 2004 - Adopted by Council 20 Sept 2004
D113/9/07 Development Services Committee 11 Sept 2007 - Adopted by Council 17 Sept 2007
D27/4/12 Development Services Committee 16 April 2012 - Adopted by Council 23 April 2012

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
1. INTRODUCTION This policy aims to provide guidance on Density Development within the City in general and provide clarity on the intent behind Clause 5.2.4 of Town Planning Scheme (TPS) No.4. This clause gives Council discretion to approve development of Grouped and Multiple Dwellings on dual coded lots coded R10/25, R12.5/25, R15/25, R15/60, R17.5/25 and R25/40 up to the higher density. The Scheme requires that this discretion be exercised in accordance with this Policy. Council encourages high quality medium density housing in selected areas of the City of Armadale. This form of housing allows for more efficient use of existing services such as sewerage, roads, water supply, electricity etc while providing a choice of housing types to meet the different requirements of people living in Armadale. Council's intention in regulating more intensive development in the residential areas of the City is to encourage an integration of higher density housing into the City after taking account of the objectives of the zones, their primary incidental densities and the potential impact of increased residential density on the established urban infrastructure. This Policy will assist Council in determining Density Development, and assist applicants to achieve the desired quality of site development anticipated by the City.	New reference to "Density Development" to embrace Multiple Dwellings. Adjustment to provisions to reflect Amendment No 72.
2. APPLICATION OF POLICY • This policy is supplementary to and is to be read in conjunction with the appropriate provisions of the City of Armadale TPS No.4 and the Residential Design Codes. • The policy will be applied by the City in the exercise of its discretion in respect of applications for Density Development in general and specifically to proposed medium density residential development subject to dual coding. • The policy will be taken into account by the City in making recommendations to the Western Australian Planning Commission for the development and subdivision of land subject to dual coding.	No significant changes.

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
3. POLICY OBJECTIVES This Policy facilitates: • the Outcomes and Strategies of the major goal of 'Enhanced Natural and Built Environments' within the Strategic Community Plan 2013-2028; • the Objectives of the Local Planning Strategy; • the Aims of the Scheme (Clause 1.6 of TPS No.4) and the Objectives of the Zones (Clause 4.2 of TPS No.4). The Policy Objectives are: (a) To locate Density Development in residential areas where it can successfully integrate into the surrounding environment and where existing access arrangements, open space, shopping, public transport, community services, drainage and sewerage facilities are capable of accommodating more intensive development. (b) To promote the use of Structure Plans to co-ordinate the development of medium density housing in "street blocks". (c) To encourage an attractive streetscape setting which enhances and complements the visual character, bulk and scale of the surrounding built form. (d) To achieve a high quality building development in relation to architectural design, site layout, materials, colour, tone, texture and fencing. (e) To provide safe, functional and attractive access arrangements in and out of the site, which contribute to the overall aesthetics of the development. (f) To provide for safe and convenient placement and storage of waste to the development's future residents. (g) To provide for the safe and convenient collection of rubbish bins by the City's waste disposal vehicles.	New reference to the Strategic Community Plan, the Local Planning Strategy and the Aims of the Scheme.

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)		REASON FOR CHANGES
4.	**POLICY STATEMENT**	
4.1	**All Density Developments**	
4.1.1	Density Development applications shall be assessed and determined based on the prevailing density code of the site, and the extent to which the Design Guidelines outlined in Clause 4.3 of this policy are met.	
4.1.2	Density Development shall not be approved in areas where reticulated sewerage is not available or where adequate drainage is not available or planned to accommodate higher than existing densities to the satisfaction of the Executive Manager Technical Services. In the event of the City not being satisfied that there is adequate provision for on-site drainage, a catchment analysis of the existing drainage network may be required to confirm the available capacity downstream of proposed additional flows, and a condition may be imposed on any approval issued requiring a contribution towards the upgrade of the City's drainage network as a result of the findings.	New sub-clause to clarify circumstances where it is necessary to contribute to the City's drainage network.
4.1.3	Access arrangements shall ensure that traffic generated by the proposal can be accommodated by the existing street network.	
4.1.4	Adequate parking shall be available on-site without detriment to the streetscape;	
4.1.5	Adequate provision shall be made for the safe and convenient collection of rubbish and recycling bins.	
4.1.6	The City will not support the development of multiple dwellings which requires a plot ratio in excess of that indicated on Column 2 of Table 4 of the Residential Design Codes with respect to the designated Code identified on the Scheme Map.	Additional clause 4.1.6 to clarify that maximum plot ratios set out in the R Codes cannot be exceeded.
4.1.7	To facilitate improvements to the City's footpath network, development taking advantage of the higher code in dual coded areas and development within areas Coded R40 will be required as a condition of planning approval to make a contribution to the City's footpath fund on the basis of the estimated cost of constructing 5m of footpath for every additional unit proposed	Previously this clause was located at the end of the Policy at clause 4.5.

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
for the site. Contributions should generally be expended in the locality within which the contribution has been made.	
4.2 Scheme Provisions relating to Dual Coded areas. **4.2.1 Areas Coded R10/25, R12.5/25, R15/25, R17.5/25 (Clause 5.2.4 a) of TPS No.4.** 4.2.1.1 Clause 5.2.4 a) (ii) and (iii) of TPS No.4 refer to the surveillance of streets, public open space (POS) and pedestrian access ways (PAWs). In this regard developments shall incorporate major openings overlooking streets, or visually permeable fencing (above 1.2m high) adjacent to POS or PAW's (refer to Clause 4.4.3). Where appropriate, the City will request the provision of direct pedestrian access to POS.	This new clause relates to the new provision resulting from Amendment No. 72 concerning development abutting POS and PAWs.
4.2.2 Areas Coded R15/40, R25/40 and R15/60 (Clause 5.2.4 b) of TPS No.4). 4.2.2.1 Areas coded R15/40, R15/60 and R25/40 may be suitable for development in accordance with the higher code where the City is satisfied that the matters identified in Clause 5.2.4 b) of TPS No.4 are addressed. The matters within Clause 5.2.4 b) are elaborated on as follows: 4.2.2.2 Reticulated sewer and adequate drainage – refer to Clause 4.1.2; 4.2.2.3 Footpaths and / or cycleways – should be constructed within the road reserve to which the site abuts; 4.2.2.4 A public transport stop or station – may be either a bus route or train station, however the two have different catchments (400m and 800m respectively); 4.2.2.5 A convenience shopping site – Any shop where daily convenience goods (e.g. bread and milk) may be purchased; 4.2.2.6 Recreational open space – refers to a public open space reserve that is able to be used for active or passive recreation. Other recreational facility – may be any public or private development as relates to recreational activities;	Clause 5.2.4(b) of TPS No. 4 has been amended by Amendment No. 72. The new Scheme Clause sets out some criteria for eligibility for the higher density under the dual code. These criteria are further explained more directly under Policy 4.2 than in the current policy.

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
4.2.2.7 Community facility – means a premises primarily for the provision of educational, social, or recreational facilities or services by organisations involved in activities for community benefit.	
4.3 Density Development Design Guidelines The following Design Guidelines are applicable to all forms of Density Development within the City, unless specifically stated otherwise.	Additional sentence to clarify the applicability to all development within the definition of "Density Development".
4.3.1 Building Design	
4.3.1.1 The provision of roofs with a pitch of 25 degrees or greater is encouraged to provide a distinctive streetscape character, unless this is likely to compromise an existing streetscape character.	
4.3.1.2 Colour schemes and use of materials will be required to achieve a high standard of visual amenity to be consistent with the desired appearance of the streetscape. Materials shall complement the "natural" tones associated with the Armadale landscape.	The reflective materials clause (formerly clause 4.3.1.3) has been deleted.
4.3.1.3 To create a high visual standard and enhance the aesthetics of the streetscape, architectural detail and trim will be considered as an integral component of the overall appearance of the development. Details such as gutters, fascias, capping, brackets, window frames, posts, louvers etc shall be designed and coloured to complement the overall building.	
4.3.1.4 Rear dwelling(s) shall be designed and sited to ensure that the front elevation (inclusive of a window to a habitable room, or a balcony) is visible from and provides an outlook to the street.	
4.3.1.5 Buildings shall be designed to include sufficient eaves (i.e. minimum 300mm width), and verandahs or awnings to provide protection for openings from summer sun.	
4.3.1.6 The design of Density Development shall avoid uniformity by providing a degree of variety in the range of house designs, colours and fenestrations (windows and openings). Development including two storey dwellings or dwellings with lofts is encouraged.	

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
4.3.1.7 In addition to the standards set out in the *Residential Design Codes*, where development in excess of three units is proposed to a residential density in excess of R30, one (or a proportional mix) of the following requirements shall be met: • One third of the units within a development (to be rounded down in the event of an odd number) shall be comprised of two storey units (which shall be defined to include any development with at least one habitable room on the second level); or • 50% of the units within a development (to be rounded down in the event of an odd number) shall have a total plot ratio floor area no greater than 110m² and include an outdoor living area of at least 24m² with a minimum dimension of 4m; or • The density of development shall not be in excess of R30.	Additional requirement that the outdoor living area should have a minimum dimension of 4m.
4.3.2 Streetscape	
4.3.2.1 Where dwellings abut a Primary Street, the entrance and a major opening of the dwelling shall be orientated towards the Primary Street.	The clause requiring anti-graffiti finish (previously one of the dot points under clause 4.3.2.2) has been deleted.
4.3.2.2 Where dwellings abut a Communal Street, the entrances to the dwellings should be visible from the Primary Street where possible, or if not possible, visible from the Communal Street.	Further clarification of requirements for development abutting a Communal street is provided under clauses 4.3.2.2 and 4.3.2.3.
4.3.2.3 Where dwellings abut both the Primary and Communal Street, the respective elevations shall be designed to address both streets. The Primary and Communal Street boundaries should preferably remain unfenced to maintain an open streetscape.	
4.3.2.4 Garages shall not be forward of the front habitable room window of the dwelling and preferably should be 1m behind the main front wall of the dwelling;	Expansion of clause 4.3.2.4 to state that garages should generally be 1m behind the front of the dwelling.
4.3.2.5 A clear view of the proposed development from the Primary Street should be provided by staggering some of the dwelling units. Designs should provide for the breaking up of roof areas and the appropriate use of landscaping.	
4.3.2.6 For surveillance, major openings from two or more of the individual units shall have an	

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
uninterrupted view to the Primary Street.	
4.3.2.7 Except in the case of developments with three units or less or where the outlook from each dwelling is to public open space or to a communal facility or open space, Communal Streets shall be central within a development;	
4.3.2.8 The end of Communal Streets shall not include blank walls / horizontal windowless areas (e.g. garage doors) unless adjacent dwellings are two storey.	
4.3.2.9 Dwellings shall not be designed to include blank walls facing or visible from the Primary or Communal Street.	
4.3.3 Fencing Design	
4.3.3.1 Front walls and fences shall not be constructed in fibre cement (super six).	
4.3.3.2 The height, texture, colour and style of walls and fences exposed to public spaces shall be compatible with the streetscape and existing buildings.	
4.3.3.3 In the context of Clause 4.2.1, unless otherwise approved for a specific purpose (e.g. screening a drying area), fencing abutting public open space should be visually permeable when higher than 1.2m above natural ground level.	
4.3.3.4 In the context of Clause 4.3.2.3, if fencing must be utilised, it shall be visually permeable when higher than 1.2m above natural ground level where it abuts a Secondary or Communal Street or is within the area in front of the building setback line to the Primary Street.	
4.3.3.5 Where communal open space is to be provided, visually permeable when higher than 1.2m above natural ground level shall be utilised for at least 50% of the interface between development and the communal open space.	
4.3.3.6 Where retaining is proposed or approved on boundaries, fencing shall be located on top of the retaining wall, in accordance with the requirements of the City's Fencing Local Law.	Additional clause 4.3.3.6 to provide guidance with respect to fencing on retaining walls.

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
4.3.4 Retention of Existing Dwellings 4.3.4.1 The City shall encourage the retention of existing houses as part of a redevelopment proposal where the building: • Is in good condition and of good architectural quality (the City may require an architectural report detailing building and architectural specifications and quality of the building); • Is located on the block to provide a sufficient and usable area for additional units; • Will retain and enhance the amenity and streetscape quality of an area; • Is of heritage significance. 4.3.4.2 Where the City is not satisfied that the retention of a dwelling is appropriate it may require the dwelling to be demolished. 4.3.4.3 Where the City considers a building worthy of retention but it is not of a suitable condition, in order to satisfy Clause 5.2.6 and 6.2.4 of the *Residential Design Codes* the City will consider the imposition of a requirement for some or all of the following works to be undertaken to complement the proposed new development: • Nature and quality of roof cladding finishes; • External wall finishes; • External colour scheme; • Window treatments; • Architectural detail and trim; and • Other matters as detailed by the City. 4.3.4.4 Where an existing older dwelling is to be retained in a proposed Density Development, the application should outline improvements to the existing building inclusive of at least one of the following: • Restoration or replacement of the existing roof;	Clause requiring new development to be designed to be compatible with existing building (previously 4.3.4.4) has been deleted.

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
• Recladding or rendering of walls; or • Repainting of the dwelling.	
4.3.4.5 Where an existing older dwelling is to be retained in a proposed Density Development, the application should outline improvements to the streetscape inclusive of at least one of the following: • New front open style fencing; • Re-landscaping within the front setback; or • New paving and kerbing in the driveway and crossover.	
4.3.4.6 In respect of Clauses 4.3.4.4 and 4.3.4.5, the City may apply more than one of the above criteria, where in the opinion of the City the condition of the aforementioned elements is in need of improvement.	
4.3.5 Open Space and Landscaping	
4.3.5.1 A 0.5m vegetated buffer strip should be provided on both sides of proposed Communal Streets.	
4.3.5.2 Landscaping and maintenance proposals should where possible combine front garden or open space areas with adjoining verges to create an integrated appearance.	
4.3.5.3 In accordance with Clause 5.3.2 and 6.3.2 of the *Residential Design Codes* applications for Density Development are to specify details of the landscape works proposed through the preparation of a landscape plan. The landscape plan is to demonstrate: • That it has taken account of the City's Urban Forest Strategy and the relevant tree palette within which the development proposal is located in guiding tree selection; • A strong landscaping theme incorporating feature planting in common areas; • Details of plant species and hard landscape materials; • Planting to soften and screen hard surfaces; • Planting for solar control; • Ongoing maintenance proposals including automated reticulation;	New requirement under clause 4.3.5.3 to consider the City's Urban Forest Strategy. New requirement to consider existing and proposed verge

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
• A vegetation survey of the site and identification of significant trees with maximum vegetation retained; and • Existing and proposed verge trees, and verge treatment. (Refer to the City's Landscaping Guidelines for assistance – http://www.armadale.wa.gov.au/services_and_facilities/planning/).	trees in the landscape plan.
4.3.5.4 Principal areas of private open space should be located at the rear of the dwelling. In the case of multiple dwellings, upper storey balconies may be at the front but ground floor courtyards are preferred at the rear.	Need to specify private open space requirements for multiple dwellings.
4.3.5.5 In the case of proposals taking advantage of higher density in a dual code area, and including 12 or more units, an area of communal open space shall be provided. The communal open space: • shall be provided at the rate of 12m² per grouped dwelling; • shall be provided at the rate of 8m² per multiple / single bedroom / aged persons dwelling; • shall generally be provided in one location; • shall be of a useable shape (i.e. generally square or rectangular as far as is possible unless in the opinion of the City special circumstances dictate otherwise); • shall contain appropriate landscaping and one or more of the following – benches, gazebo, barbeque, play equipment – at the City's discretion based on the extent of the development. Landscaping and furniture shall be demonstrated on a comprehensive landscape plan. For developments containing six or more units this landscape plan should be submitted as part of a formal development application (refer to other clauses within section 4.3.5 and the City's Landscaping Guidelines for assistance); • Shall be referred to in the Management Statement associated with the strata subdivision to state that the body corporate is required to implement and maintain the adopted landscape plan in common areas.	New clarification for the open space requirements for grouped compared with multiple dwellings under clause 4.3.5.5.
4.3.5.6 Existing trees on a site or in the verge adjacent to a site, especially mature trees, should be preserved wherever possible.	Additional reference under clause 4.3.5.6 to verges adjacent to the site.

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
4.3.5.7 A verge tree shall be provided for each unit adjacent to the Primary Street, unless verge trees already exist and are considered adequate.	Clause 4.3.5.8 expanded to clarify the desired size of tree to be provided.
4.3.5.8 In the case of sites including six or more units, planting of, or retention of, one 45 litre size container size low maintenance tree for every six units shall be required at strategic locations within common property (to be indicated on the comprehensive landscape plan required by Clause 4.3.5.3). The tree species selection to be to the satisfaction of the Executive Director Technical Services.	New Clause 4.3.5.9 to require provision of off-site tree where it is not possible to plant on site.
4.3.5.9 Where site conditions prevent the provision of a suitable tree on site, the developer is to contribute to the City to enable a suitable tree to be purchased and installed on public land within 400m of the development site.	New Clause 4.3.5.10 to require shade trees in areas of communal parking.
4.3.5.10 Where areas of communal (private or visitor) car parking are to be provided, car parking shade trees shall be provided at the rate of at least 1 tree per 10 metre interval along any line of car parking.	
4.3.5.10 Cash-in-lieu of communal open space may only be contributed where units directly abut (i.e. have a common boundary with) public open space.	
4.3.6 Access and Car Parking	
4.3.6.1 Garages and carports shall be designed to complement abutting dwellings by utilising consistent material types, colour schemes and design.	
4.3.6.2 Other than for two unit development, to ensure the visual streetscape quality and character is maintained, car parking within the front setback is only appropriate where sited under the curtilage of a carport where the carport is designed to integrate with the principle dwelling in terms of roof pitch, building materials and colour.	Deletion in clause 4.3.6.3 of word "acoustic" as it is understood that landscaping cannot serve an acoustic barrier function.
4.3.6.3 Where in the City's opinion, car parking adjacent to a side boundary will impact in terms of headlight glare on the habitable rooms of an adjoining property, provision of an adequate landscaped buffer with mature/fast growing trees will be required, sufficient to provide an	

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
adequate visual barrier between the two properties. 4.3.6.4 In addition to the requirements of Clause 5.3.4 and 6.3.4 of the *Residential Design Codes*, the design of the pavement within a driveway should, depending on the length of the accessway, take account of the need to limit width to 3 metres at appropriate locations to minimise the effect of its dominance and heat radiance, unless a waste collection vehicle is to enter the site. 4.3.6.5 To achieve a high visual standard which contributes to the overall amenity of an area, the City requires accessways to be constructed of block/brick paving or similar high quality material. Untreated concrete and black asphalt is not acceptable. The use of alternative paving materials will only be considered for two unit developments, where in the opinion of the City, special circumstances apply.	
4.4 Waste Collection Guidelines The following Waste Collection Guidelines are applicable to Density Development within the City, unless specifically stated otherwise. **4.4.1 On Street / Bin Pad Collection** 4.4.1.1 In determining applications for Density Developments, consideration will be given to the adequacy of the provision for the safe and convenient collection of rubbish and recycling bins by the City's waste disposal vehicles. The application for planning approval is required to identify the collection points (bin pads) and the City needs to be satisfied that their placement will be adequate to facilitate easy collection and not jeopardise the safety of pedestrians on footpaths or users of the road system. 4.4.1.2 The following criteria shall be applied to the placement of bin pads in the first instance: • Sufficient verge space is required to accommodate the standard requirement of two bins for each unit within a proposed development plus adequate separation space to enable manoeuvring by mechanical arms without encroachment onto the frontage of adjoining properties. • Generally, a space of 1.8m per unit will be required to be clearly marked and available for	New specification of 4.3m vertical clearance under Clause

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
bin placement at a distance of 0.8m behind the kerb. A minimum unobstructed vertical clearance of 4.3m is necessary above a bin pad to facilitate pick up; • Bin pads should not be separated from the street by a public footpath; • There is a presumption against the siting of bin pads near intersections, bus stops, median islands, roundabouts, slow points, along roads classified as District Distributors or higher, or where their location will impact on traffic sightlines or safety; • Bin pads should not be located further than 75m from the respective residential dwelling. The intervening distance should have a gradient no greater than 10% with no stairs; • The design should provide for access between the visually screened bin storage area to the bin placement area without passing through unit living areas.	4.4.1.2. Clarification that "busy arterial roads" means "District Distributors or higher" roads.
4.4.1.3 Where the criteria set out in Clause 4.4.1 cannot be met in its entirety, management from bin pick-ups either on-site or via alternative access, will be required. 4.4.1.4 Where in the City's opinion a proposed development / application for planning approval cannot meet the Waste Services requirements, an application may be refused.	Additional clauses to clarify the requirements in the event of on-street pick-up being prevented or Waste Services requirements not being met.
4.4.2 Waste Management Plan 4.4.2.1 Where the City requires the preparation of a Waste Management Plan, the plan shall take into account: • Safety and convenience for waste generators; • Safety and convenience for waste collectors; • Impact on future roadside pedestrian movements; • Impact on future road vehicle traffic; • Maintenance of bins / bin storage areas; • Bulk waste and green waste verge collections; • Implementation through an associated Strata Management Statement.	Some additional criteria have been included under Clause 4.4.2 relating to bin maintenance, bulk waste and management statements.

ATTACHMENT - AMENDMENTS TO POLICY PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT

PLN 3.1 RESIDENTIAL DENSITY DEVELOPMENT (existing policy with changes highlighted)	REASON FOR CHANGES
5. Structure Plan 4.6.1 Where design issues for an individual site are particularly challenging and would benefit from a wider perspective, or a site is within a Development (Structure Planning) Area that does not have an approved Structure Plan, developers should submit a Structure Plan to the City for consideration in accordance with Part 6A of TPS No. 4.	Previously the Policy included extensive provisions relating to Outline Development Concept Plans, which have been deleted and replaced with a statement concerning structure plans in general.
6. Definitions: **Density Development:** means residential development comprised of single dwellings, single bedroom dwellings, grouped dwellings or multiple dwellings for which Council discretion is required under Clause 5.2.4 of the Town Planning Scheme and within areas coded R40. **Close Proximity**: means a location proximate to a destination assessed in accordance with the walkable catchment technique within Appendix Three of *Liveable Neighbourhoods.* **Rear dwelling**: means a habitable dwelling without direct frontage to the primary street, whether on its own lot or on the same lot as the dwelling with direct road frontage. **Surveillance:** means the uninterrupted view of the public domain from vantage points within a dwelling.	For the sake of clarity the following terms used within the Policy are considered to merit precise interpretation.

CONGRESS PROGRAM

124 DAYS TO GO

Tuesday, 17 March 2015

Time	Details
9:00 AM - 9:30 AM	Registration
9:30 AM - 4:30 PM	**Study Tours** See Sydney's leading developments and learn from the experts onsite. There will be four Study Tour options for you to choose from. Study Tour destinations will be announced in January 2015 and all registered delegates will be emailed the options and have the opportunity to select the tour they would like to attend.
6:00 PM - 9:00 PM	**Opening Night Event** Museum of Contemporary Art Rooftop, The Rocks
8:30 PM - 10:30 PM	**VIP Dinner with International Keynote Speaker Vivek Wadhwa** This is a once-in-a-lifetime opportunity to dine with an industry leader and is limited to 20 guests. If you are registered for The VIP Experience you may choose to attend this dinner as part of your registration, subject to availability.

Wednesday, 18 March 2015

Time	Details
8:15 AM - 9:00 AM	Registration and Breakfast Refreshments
9:00 AM - 9:30 AM	National Congress Welcome Address
9:30 AM - 10:30 AM	Keynote Speech: Why This is the Most Innovative Period in Human History **Vivek Wadhwa**, Vice President of Academics and Innovation at Singularity University This insightful presentation will shine a torch on a world of possibilities in the use of technology in property and will highlight what lies ahead for those that are prepared to innovate and make a change.
10:30 AM - 11:15 AM	Morning Tea Break
11:15 AM - 12:00 PM	**Panel Session: The Next Factor in Property** This panel will discuss major innovations that will hit the property sector in Australia and globally. The innovations may cover technology, finance, building technologies and infrastructure.
12:00 PM - 12:45 PM	Panel Session: Planning Australian Cities of the Future

CONGRESS PARTNERS

BROWN

	This panel session will discuss the future of Australian Cities. It will consider whether we can realistically expect the majority of Australian's to live in apartments or whether there needs to be a balance. If so, what impact will that have on city planning across Australia?
12:45 PM - 2:15 PM	**Networking Lunch**
2:15 PM - 3:00 PM	**Panel Session: Think Big, Act Bold** This panel session will look at major projects internationally and reflect on what that means for major projects in Australia such as Sydney's incoming second airport at Badgerys Creek. We will discuss development issues, public-private-partnerships, infrastructure, employment lands and international best-practice.
3:00 PM - 3:45 PM	**Panel Session: Masterplanning Cities of the Future** This panel will consider the future of masterplanned communities in Australia. There are successful examples, but with land values on the fringe being so high are masterplanned communities being forced out of major urban corridors? This session will explore discuss how these masterplanned communities fit into cities and the role they will play in the future.
3:45 PM - 4:10 PM	**Afternoon Tea Break**
4:10 PM - 4:50 PM	Closing Keynote Speech
4:50 PM - 5:00 PM	**Closing Remarks**
5:00 PM - 7:00 PM	Networking Evening GPO Sydney, 1 Martin Place, Sydney
7:00 PM - 10:00 PM	**Dinner at leisure** At 7pm Congress formalities for the day will conclude and you will have the night at leisure.
7:30 PM - 9:30 PM	**VIP Dinner with International Keynote Speaker Robert Hammond** This is a once-in-a-lifetime opportunity to dine with an industry leader and is limited to 20 guests. If you are registered for The VIP Experience you may choose to attend this dinner as part of your registration, subject to availability.

Thursday, 19 March 2015

Time	Details
8:15 AM - 9:00 AM	**Registration and Breakfast Refreshments**
9:00 AM - 9:10 AM	**Welcome**
9:10 AM - 9:45 AM	**International Keynote Speech: Building a Park in the Sky - The New York Highline** **Robert Hammond**, Co-Founder and Executive Director, Friends of the High Line, New York Robert Hammond will talk about the conception of the New York Highline Parkland – the role of the community as proponents of the project and the benefits that transformational infrastructure and open space has had on the world's most famous city – New York.
9:45 AM - 10:45 AM	**Panel Session: Repositioning Cities** There will be different demands on cities of the future. How do we manage the growth of our cities and position them to be the

	beneficiaries of improved infrastructure, amenity and commerce?
10:45 AM - 11:15 AM	Morning Tea Break
11:15 AM - 12:30 PM	UDIA Chat Rooms
12:30 PM - 2:00 PM	Networking Lunch
2:00 PM - 2:15 PM	Outcomes from the Chat Rooms
2:15 PM - 3:00 PM	Panel Session: Delivering World-Class Development Australia is a world leader in development quality. How do we maintain our position as a leader and what are the global trends influencing building design and development?
3:00 PM - 3:45 PM	Panel Session: How Will Technology Impact on Housing of the Future? Tri-generation, solar power, off-grid housing, private water provision and improved connectivity... What the obstacles to adopting these technologies and can we improve the take up in Australia?
3:45 PM - 4:15 PM	Afternoon Tea Break
4:15 PM - 4:45 PM	Closing Keynote Speech
4:45 PM - 4:50 PM	Closing Remarks
4:50 PM - 5:00 PM	Introduction of SA Congress 2016
6:30 PM - 7:00 PM	Buses Depart for The Star
7:00 PM - 11:00 PM	National Awards for Excellence Gala Dinner The Star, Pyrmont

Contents contained in the Congress website are correct and current. The 2015 UDIA National Congress Organising Committee reserves the right to make changes to the program herein as may be required. © 2014 15 UDIA

DEVELOPMENT SERVICES 104 14TH JUNE 2005
COMMITTEE MEETING – ***Miscellaneous***

PUBLIC CONSULTATION PROCEDURES

WARD : ALL

FILE REF : PSD/1

DATE : 26 April 2005

REF : IM

RESPONSIBLE MANAGER : EDDS

In Brief:-

- At its April 2005 meeting Council resolved that officers review and report back to Committee on a strategy to determine how many residents be notified when applications are to be advertised for public comment.
- The report surveys the policies of other local governments and concludes that the City of Armadale's processes do provide a reasonable opportunity for the community to comment on development applications affecting them, taking account of the costs and benefits of consultation.
- Officers recommended that Council note the report on consultation procedures relating to development applications.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Communicating and Marketing:
Improve two way communication with the local community by developing the City's extensive consultation processes into a policy.

Legislation Implications

Town Planning Scheme No.2 and 3
Draft Town Planning Scheme No.4
Town Planning and Development Act Regulations (Fees and Charges)
City of Armadale Schedule of Fees and Charges.

Council Policy / Local Law Implications

Currently no specific Council policy however, Delegation 719 provides guidance on the necessity, duration and extent of advertising development applications.

Budget / Financial Implications

There are budget implications arising from extending consultation requirements in terms of administrative costs, newspaper advertising, printing and postage.

Consultation

This report addresses this issue of consultation processes in respect of planning applications. Further consultation will be undertaken in the event of the preparation of a local planning policy. The policies of the following local governments have been consulted: Augusta-Margaret River, Belmont, Bunbury, Cambridge, Fremantle, Nedlands, Subiaco and Victoria Park.

BACKGROUND

At its meeting on 26 April 2005 Council resolved that officers review and report back to Committee on a strategy to determine how many residents are notified when applications are to be advertised for public comment.

The issue of consultation arrangements was raised in two recent applications. In each case public requests were received that consultation arrangements be extended and as a result additional time to respond was provided and letters inviting submissions were sent to owners within 500m of the subject property. Notwithstanding the extended submission arrangements complaints were received that the level of consultation was inadequate.

The current arrangements for the advertising of proposals within the City of Armadale depend in part on the nature of the proposal. The City has no formal public consultation policy although various statutory provisions apply through the town planning schemes.

The most common advertising circumstances are for variations to the Residential Design Codes (RD Codes). Neighbour Consultation requirements are set out in the RD Codes themselves wherein affected owners are required to be advised and given at least 14 days to make a submission. When requested Council is required to provide the applicant with the opportunity to respond to comments received.

For other development applications the specific procedures applying to the City are in part set down under Clause 7.2 of Scheme 2 and Clause 11.7 of Scheme 3 (similar provisions are contained in TPS 4). This requires that one or a combination of the following actions be taken:

- Council serve a notice of the proposal on the owners and occupiers of the land within an area determined by the Council as likely to be affected by the proposal;
- Publish a notice of the proposal in a local newspaper;
- Erect a sign on site describing the proposal.

The Executive Director Development Services, Planning Services Manager and Building Services Manager have delegation (Delegation 719) to determine the necessity, extent and duration of advertising with respect to 'AA' and 'SA' uses and developments under the RD Codes. Generally 'AA' uses are to be advertised for 14 days and 'SA' uses, 'Uses not listed' or 'Non-Conforming Uses' are to be advertised for 21 days unless they are considered to be of a relatively minor nature. It is current practice to advise ward Councillors of all advertised applications.

At its meeting on 26 April 2005 Council resolved that the report be recommitted pending further advice and consultation with Councillors.

ANALYSIS

An analysis of the policies adopted by other local governments has been undertaken. This has drawn attention to areas where greater opportunities to make submissions may be provided than is the general practice in the City of Armadale. While Council has requested a report on the issue of the distance to apply consultation to, other issues related to consultation procedures are also discussed below.

Accepted principles and purpose of consultation

What community consultation should be is most succinctly described in the Town of Victoria Park's policy wherein it is stated that the purpose of community consultation is to (i) inform the community about matters under consideration by Council and, (ii) enable Council to make better informed decisions. The RD Codes forewarn that "the purpose of neighbour consultation is not to shift the responsibility or power away from the Council and on to its affected residents."

There is a distinction between community consultation and community participation. In the latter the community is more directly engaged and a key determining factor in the decision making process.

Notification of those affected

Some local governments provide clear guidance in their policies on which properties should be consulted as being directly affected. For instance whether those opposite or over a laneway should be consulted sometimes needs clarification. Suitable diagrams to guide officers in arranging consultation are provided in policies for the City of Fremantle. For some uses specific distances are established within which property owners are invited to make a submission. For instance the Town of Cambridge notifies those within 300m of telecommunications infrastructure, within 100m of proposals where residences could be impacted by proposals in non residential zones, and within 50m for 'SA' uses. The Town of Victoria Park notifies those within 100m of telecommunications infrastructure and the City of Subiaco notify those within 100m where impacts are deemed to affect a wider area.

To notify owners at some distance from a proposal in a rural area may be appropriate and lead to the notification of only a small number of owners. However, in an urban area a similar notification would include many hundreds of letters resulting in a considerable cost in postage and administration. The Shire of Augusta Margaret-River has addressed this issue by requiring notification of controversial applications to owners within 100m in urban areas and 500m in rural areas.

Most local governments notify those deemed to be affected based on an assessment made by a planning officer. Certainly there is often a discrepancy between who a planning officer may believe to be affected and members of the public who may see themselves as affected. This is particularly fraught where there is a view that a proposal would lower the tone of the locality or attract significant traffic through a wide area.

While it may be tempting to institute a standard policy requiring the wider circulation of letters inviting comment this could lead ratepayers to query whether they really needed to be worried about a proposal that would be unlikely to affect them notwithstanding that other people would see themselves affected in the same situation. There would also be an issue regarding the additional costs of such an approach.

Signs on site

In many cases a sign placed on the site is a reliable method of informing a wider public. A number of local governments include in their policies guidance on the situations where a sign is required on site.

The employment of signs on site could be said to inform those likely to be impacted by the development of the site as it is they who would notice the sign. In addition, while landowners can be easily contacted from rate records, affected property occupiers are less likely to be informed by letters than by a sign on a nearby site.

Newspaper advertising

All local governments have the option of publishing notices of applications within the local newspaper. In most cases this is restricted to significant proposals affecting a wide area or the whole district. The City of Fremantle's policy identifies those proposals specifically requiring advertising.

Subiaco, and more recently Nedlands, publish notices in the Subiaco Post advising of all applications irrespective of their significance. A half page advertisement in the Subiaco Post costs around $900. There is no doubt that this method keeps the public well informed of all developments proposed in the district, however the costs would amount to tens of thousands of dollars each year in advertising alone. An alternative to newspaper advertising could be publishing a notice of all applications on the City's website.

Provision of plans to the public

Generally the nature of a proposal is summarized in the letter sent to those deemed affected and additional details such as the plans may be viewed at the Administration Centre. In the past it has been considered that there is a copyright issue associated with sending plans out to those affected and there would certainly be an administrative cost in reducing and copying the plans notwithstanding the fact that it is often difficult to understand the impact of a proposal without viewing plans. The Town of Victoria Park requests the applicant give written approval to the Council in respect of circulating plans when making the application. This would assist, however, it would be difficult to compel an applicant to approve the circulation of plans as there could be a legitimate copyright concern.

Time period for advertising

Generally local governments require a 14 day advertising period for standard development applications and 21 days for specified applications or situations.

The City of Armadale requires at least 14 days for development applications under the Schemes and the RD Codes, but at Council discretion a longer period may be provided. 21 days advertising is required under the Scheme for structure plans and a similar period under Delegation 719 for 'SA' uses, 'Uses not listed' and 'Non-Conforming Uses'. There is normally a time constraint brought about by the timing of the next Committee meeting, however, for controversial issues time periods are extended and the practice has been to accept late submissions up to the Committee meeting notwithstanding the administrative difficulties.

There is a statutory time period of 60 days within which applications are required to be determined before an applicant has the right to appeal. The provision of longer submission periods must take account of these statutory constraints and of the additional time required by planning officers to properly report on the matter to the Council.

Cost of Advertising

Generally local governments cover the cost of advertising without seeking recompense from applicants. However, the cost of advertising is generally not covered by the development application fee and provisions are available in the Regulations to enable costs to be recouped.

Applications requiring extensive advertising do incur considerable costs to the City in mail out and administration. While this may be seen as a legitimate cost of good governance, there needs to be a balance between the benefit of keeping a wide community informed and the better decisions that may result on one hand and the cost and administrative burden on the other.

Role of precinct groups/ratepayers associations and Advisory Committees

Where there is an active residents association there may be merit in advising the association of applications. The City of Fremantle has formalized this process to enable the relevant precinct committee (which is run by the Council) to comment on relevant applications. Unless such associations meet regularly it is sometimes difficult to ensure that responses are timely. The City of Armadale refers applications for comment to a number of progress, residents' and community associations (such as the Araluen Estate Progress Association, the Bedfordale Residents' Association and the Minnawarra Progress Association).

Notification of Council's decision to all submittees

Some Councils ensure that those making a submission are advised of the outcome following Council's decision. The City of Armadale follows this practice.

City to undertake advertising procedures

Most Councils undertake the advertising process rather than leaving it to the applicant as questions can arise as to whether pressure is brought to bear on would-be submittees by the applicant notifying nearby owners of a proposal. The City of Armadale undertakes the consultation rather than allowing this to be undertaken by the applicant, (indeed this is a requirement under the town planning scheme) although the applicant is normally responsible for organizing signs on site where required.

Need for policy

Most local governments do not have specific policies relating to public consultation while some have a policy that does little more than restate the statutory requirements – such is the case with the City of Nedlands and City of Belmont policies. A search of metropolitan and selected country local government websites has revealed eight local governments with local planning policies relating to public consultation.

It is noted that the Strategic Plan 2005-2009 identifies as one of the initiatives to be undertaken over the next five years the development of the City's extensive consultation processes into a policy. It should be noted that processes relating to planning applications is only one part of the consultation processes engaged in by the City.

OPTIONS

Council could:

1. Note the report and the current practices outlined therein.
2. Request a policy be prepared to set out and provide guidance on consultation procedures.

CONCLUSION

In general Councils leave discretion to the planning officers to determine how far consultation should occur for a particular application. It is sometimes difficult to predict those situations that result in wider community concern, often because the planning officer is looking at a proposal from a technical planning perspective. Where controversy results the officers and Council should be able to respond by extending the submission period and using various alternative approaches to ensure that the community is well informed. Indeed it would be of concern if a proposal which subsequently was proved to be controversial was determined by Council prior to the community finding out about it. As demonstrated in the recent examples, the system is working in that at the point at which Council is required to make a decision the community has been made aware of the proposal and given ample opportunity to comment.

While the preparation of a policy would provide clearer guidance to officers, each situation is different and officers who are diligent and aware of Council and community sensitivities should be able to effectively provide appropriate consultation opportunities under current arrangements.

In any event it needs to be reiterated that the purpose of public consultation, at least in the planning area, is to inform the community and assist Council in its decisions. Policies that result in significant additional requirements could be onerous and impose costs on developers and the administration without necessarily furthering these objectives.

COMMITTEE expressed their satisfaction with the current level of consultation with Ward Councillors.

COMMITTEE noted that key words in advertising material are significant in obtaining relevant comments from the public.

COMMITTEE also indicated that officers should further explore the advertising of applications to the public on the City's website.

D90/6/05 **RECOMMEND**

That Council note the report on consultation procedures relating to development applications.

MOVED Cr Zelones
MOTION CARRIED (6/0)

4.4 - ADVERTISING OF DEVELOPMENT APPLICATIONS

At the Council meeting held on 24th June 2013, Cr Shaw referred the following matter to the Development Services Committee.

That the matter of advertising of Development Applications be referred to the Development Services Committee.

Comment from Cr Shaw

I am requesting that a report be submitted to Council relating to the current advertising procedures for development applications at the City, how effective they are and improvements that could be made.

I understand for bulk documents such as Scheme Amendments the public can be directed to a link on the website but for small development applications such as Home Occupations where only a small area of people are being consulted, I don't think it's unreasonable for them to receive a copy of the plans (such as a site plan etc).

Officer Comment

Council at its meeting of 14 June 2005 (D90/6/05) previously considered and noted a report on the City's consultation procedures relating to development applications. The report focused on the extent to which residents are notified when development applications are advertised for public comment. Whilst the report was prepared prior to TPS No.4 coming into effect, the consultation procedures and practices remain the same. ***A copy of the report is presented in the Attachments to this report.***

This report primarily focuses on the City's position with respect to the dissemination of plans and supporting information to residents and also clarifies the current procedures/practices followed when a development application is advertised for public comment.

Town Planning Scheme No.4 - Advertising Procedures

The advertising procedures relating to development applications are governed by Clause 9.4 of Town Planning Scheme No.4 (TPS) which reads as follows:

9.4 Advertising of applications

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is —

(a) an 'A' use as referred to in clause 4.3.2;
(b) a use not listed in the Zoning Table; or
(c) a use considered by the City to require public notification,

the City is not to grant approval to that application unless notice is given in accordance with clause 9.4.2.

9.4.2 The City may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways —

(a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the City, are likely to be affected by the granting of planning approval, stating that submissions may be made to the City by a specified date being not less than 14 days from the day the notice is served;

(b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the City by a specified day being not less than 14 days from the day the notice is published;

(c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.3 The notice referred to in clause 9.4.2 (a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the City.

9.4.4 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the City.

9.4.5 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the City is to consider and determine the application.

Dissemination of hardcopy plans to the public

The City does not directly distribute hardcopy plans to residents where notice is given in accordance with 9.4.2 (a) of the TPS.

It should be noted that there is no legal requirement under the TPS for the City to provide copies of plans to the public. Clause 9.4.3 only requires the City to provide notice of a proposal and Clause 9.4.4 invites any person to inspect the application and any supporting material (i.e plans) at the offices of the City.

It is acknowledged that councillors may have received queries/complaints from affected residents not being able to obtain hardcopy plans. The City occasionally encounters circumstances whereby affected residents demand copies of plans and feel inconvenienced when advised to attend the City Offices to view the plans. This reaction is understandable however needs to be put into context with regard to the issues discussed below and the type of applications involved.

It should also be noted that officers very rarely receive requests for copies of plans to be sent out.

There are a number of other issues associated with disseminating plans to the public as outlined below:

Copyright Laws

The City has always taken a cautious approach and refrained from providing copies of plans to the public to avoid potential breaches of copyright law. This position has been taken in light of various general legal advice/bulletins published on the subject matter over the years.

As part of omnibus amendment No.35 to TPS No.4 (which was gazetted on 28 November 2008), the following disclaimer was added to the *Schedule 6 - Form of Application for Planning Approval:*

"The applicant acknowledges and accepts when lodging this application form, that the City may advertise, copy and/or reproduce any supporting plans and documentation submitted as part of this application."

The intent of this disclaimer is to inform applicants that the information they supply may be copied, reproduced or advertised by the City. It was not intended to override copyright laws or allow the City to directly supply a third party with such information.

For comparison purposes the City has obtained the results of an informal survey conducted on seven other local governments (LG) on the issue of disseminating plans to the public. The LG's surveyed included the Cities of Subiaco, Cockburn, Canning, Gosnells and Vincent, and the Towns of Victoria Park and Bassendean. Out of the seven (7) LG's surveyed, five (5) sent out plans to some degree, but three (3) of those five (5) require the prior consent of the applicant. The remaining two (2) authorities do not provide any plans due to legal advice concerning copyright laws. Interestingly, only two (2) out of the seven (7) LG's use their website to publish details (including plans) of an advertised application.

Cost Implications & Interpretation of plans

A typical development application will be accompanied by numerous plans, most commonly comprising at least a site plan, floor plan and elevation plans. Such plans are typically at a scale of 1:100 or 1:200 and A2 or greater in size.

Due to the size and number of such plans, there would be increased administrative costs and resources associated with reducing, copying and disturbing such plans. Reducing plans to a more cost effective size of A4/A3 is not encouraged as it often results in the plan being illegible in many cases.

The City is also mindful that plans can often be difficult to interpret or put into context without a degree of explanation by an officer. Officers experience suggests that in such circumstances plans can unnecessarily create confusion and solicit increased enquiries, which again unnecessarily increases administrative resources and costs.

Current Practices- Informing affected residents

Notwithstanding the abovementioned constraints, the City appreciates the importance of providing sufficient information to affect neighbours to inform them of a proposal. The table below summarises the current advertising (notice) procedures for development applications by type:

Advertising procedure relating to development applications			
	Type of Development Application	**Requires Notice**	**Method of Notification**
Minor/Less Complex	Home Occupation	• Applications which score more than 20 points on the 'Scale of Compatibility" table under Planning Policy PLN 3.3; • Applications that potentially could affect neighbours (i.e involve use of power tools etc.)	• Letter to surrounding neighbours; • Memo to ward councillors and DSC chair
	Home Business	• Applications which score more than 20 points on the 'Scale of Compatibility" table under Planning Policy PLN 3.3; • "A" uses as per Clause 9.4.1 (a) of the Scheme;	• Letter to surrounding neighbours; • Memo to ward councillors and DSC chair
	Commercial Vehicle Parking	• All applications in accordance with Planning Policy PLN 5.2.	• Letter to surrounding neighbours; • Memo to ward councillors and DSC chair
	Minor variations to Scheme/Planning Policy requirements/ standards	• All, where such a variation is likely to affect an adjoining neighbour.	• Letter to adjoining neighbour(s) affected by proposed variation.
Major/More complex	Change of Use / Developments / Major variations to Scheme/Planning Policy requirements/ standards	• "A" uses as per Clause 9.4.1 (a) of the Scheme; • Uses not listed in the Zoning Table as per 9.4.1 (b); • Potentially controversial proposals.	• Letter to surrounding neighbours; • Details of application (including plans) placed on "Out for Comment" section of City's website; • Sign on site (for prominent sites and controversial proposals) • Memo to ward councillors and DSC chair

Notice to affected residents

All applications requiring the City to give notice in accordance with Clause 9.4.2 of the TPS are advertised to affected residents by way of letter. This letter is a minimum requirement and is to be generally in the form of *Schedule 8 - Notice of Public Advertisement of Planning Proposal* of the Scheme as per Clause 9.4.3 of the TPS. The purpose of the letter is to outline the details of the proposal and invite comments.

The City has slightly modified the Schedule 8 over time to make it appear less formal and align with the City's style guidelines. Reference to the City's "Out for Comment" section of the website has been added for complex proposals. A standard form (Public Submission Form) is also attached with the letter of notice to for the convenience of residents to write any comments on.

For applications that are potentially controversial or where prominent sites are involved, the City will require applicants to erect a sign on site in accordance with Clause 9.4.2 (c). The City very rarely requires notice to be published in a newspaper (Clause 9.4.2 (b)) as they are considered to be ineffective at reaching affected residents, involve a lengthy lead time to publish, provide limited opportunity to provide sufficient details of the proposal and are generally not cost effective.

Memo to Councillors

As a longstanding standard practice, ward councillors and the Chair of Development Services Committee are notified via memo (both hard and electronic copy) when an application is being advertised, including details pertaining to the proposal.

City's Website- "Out for Comment"

The City's "Out for Comment" section of its website has been an effective tool to disseminate information for development applications of a major/more complex nature since 2005. It has the added advantage of appealing to a wider audience by affording any residents (whether directly notified in writing or not) an opportunity to view the proposal and make a submission. This is particularly beneficial for controversial proposals which inevitably attract interest from the wider community.

In terms of copyright and use of the City's website, it should be noted that information is published for the purpose of allowing a third party to view details. It is not intended for the details to be copied and distributed by a third party as stipulated by the relevant copyright disclaimer under the "Terms & Conditions" section of the website.

Major/More Complex v Minor/Less Complex proposals

More complex applications (such as change of uses and controversial proposals) typically are accompanied by an array of supporting documentation and plans. Given the amount and complexity of information, such details are often difficult to summarise succinctly in the letter of notice to affected residents. Accessibility to view the supplementary information and plans is important to enable residents to better understand more complex proposals.

Whilst the City does not provide residents with hardcopies of such supplementary information due to copyright, it has managed to overcome this by utilising the "Out for Comment" section of its website to publish all details (including plans etc) relating to an application. The notice letter sent out to affected residents includes reference to the website and encourages residents to view the details online. This practice has been very effective to date and has significantly reduced the number of enquiries from residents requesting further information.

For the majority of less complex applications (particularly involving Home Business, Home Occupation, Commercial Vehicle Parking and minor variations to provisions), a letter of notice outlining the details of the proposal has been effective to date. Such applications are currently not published on the City's website.

It has not been considered advantageous for plans relating to minor applications to be viewed as they tend to offer no more additional meaningful details to assist residents in understanding a proposal. The letter of notice in itself provides an efficient way of conveying the required information and explanation of a proposal. For example, a Home Occupation application to conduct hairdressing merely comprises a sketched floor plan of the dwelling indicating which room the activities are to be carried out in and a site plan indicating where visitors will park on the existing driveway. The most important and informing details of the application are contained in the applicant's written submission and it is this information (i.e the operating hours, number of clients etc) that is conveyed to residents in the letter of notice.

Based on officers experience however, requests to provide additional information or plans relating to such minor proposals are infrequent and it should also be noted that the response rate to advertising is usually quite low. Notwithstanding, it is acknowledged that there will be circumstances where viewing a plan is considered necessary and appropriate to enable residents to better comprehend a proposal. In such cases, there is the option to either publish the application on the "Out for Comment" section of its website or alternatively contact the applicant to obtain consent to release a copy of the plan to a third party for such one-off circumstances.

The City could consider publishing all details (including plans) for all minor applications requiring advertising on the website to avoid the debate altogether. However, this practice is considered to be more administratively burdensome and offers little increased benefit in light of how infrequently requests for plans are received. The process to upload an application onto the City's website is undertaken manually, involves a lead time of up to a week (which increases processing times) and relies heavily on resource availability within the City's IT department. The number and frequency of applications being uploaded is currently limited to major/complex proposals which is manageable at present, however expanding this to all minor applications is problematic from a resourcing point of view and is also impracticable at present. There may however be further opportunities to simplify and automate this process via the implementation of the City's electronic development application lodgement system (referred to as 'CouncilsOnline'). However, this will be dependent on the final capabilities and functions of the system.

Tree Preservation Orders (TPO)

In light of recent concerns raised by councillors in relation to how affected residents are notified of TPO's nominations, this is a timely opportunity to clarify the advertising procedure relating to such requests.

It should be noted that TPO nominations are not development applications and there is no statutory process relating to the advertising of TPO's under TPS No.4 or Planning Policy PLN 2.4- Tree Preservation.

The most recent TPO nomination relating to the Norfolk Island Pine at Lot 81 (114) Roberts Road, Kelmscott (which Council declined at its meeting on 22 July 2013 (D43/7/13)) has highlighted a need to improve the current consultation procedure. In this particular case, the adjoining affected neighbour was not notified by letter and the owner of the land on which the tree stands was unaware of the grounds on which the nomination was initially made to the City. Upon reflection, undertaking these steps would have brought key issues to light earlier in the process and made for a speedier resolution.

In this regard, it is recommended that future TPO nominations be advertised in a similar manner to which minor development applications are currently undertaking, as follows:

1. Letter of notice to the owner(s) of land on which the subject tree is located;
2. Letter of notice to adjoining neighbours;
3. The letters of notice to outline the proposed grounds on which the nomination has been made.

OPTIONS

1. Council could note the current procedures relating to the advertising of development applications and TPO's.
2. Council could request that all advertised applications be published on the City's website or any other appropriate improvements.

CONCLUSION

The advertising procedures for applications are governed by Town Planning Scheme No.4 and enable the City to appropriately inform affected residents. The use of the City's website to advertise major/more complex proposals continues to be very effective, however there appears to be little benefit in advertising all minor/less complex proposals online. The current procedures are considered to be proficient and maintain administrative efficiencies. In this regard, Option 1 is recommended.

ATTACHMENTS
1. Copy of DSC Minutes - Public Consultation Procedures (D90/6/05)

Committee requested that a new Part 2 be added to the Recommendation "Review the provisions of Policy PLN 2.4 Tree Preservation, with a view to specifying consultation requirements".

D56/8/13 **RECOMMEND**

That Council:

1. **Note the current procedures pertaining to the advertising of development applications and tree preservation order nominations.**
2. **Review the provisions of Policy PLN 2.4 Tree Preservation, with a view to specifying consultation requirements.**

Moved Cr D M Shaw
MOTION CARRIED (7/0)